ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 117.

An Act for the more effectually amending, widening, improving, and keeping in Repair, the Road from the Turnpike Road at *Buckton Burn*, in the County of *Durham*, through *Berwick-upon-Tweed* to *Lammerton Hill*; and also several other Roads therein mentioned, lying in the said County, and within the Liberties of the said Town of *Berwick*; and also for erecting Two Bridges over the River *Tweed*; and for making Two Roads from the said Bridges to the Road leading from *Berwick* aforesaid to *Cornhill*, in the said County of *Durham*.

[26th *June* 1802.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the Road from the Turnpike Road at* Buckton Burn, *in the County of* Durham, *through* Berwick-upon-Tweed *to* Lammerton Hill, *and also the several other Roads therein mentioned, lying in the said County, and within the Liberties of the said Town of* Berwick: And whereas an Act was passed in the Nineteenth Year of the Reign of His present Majesty King *George* the Third, for enlarging the Term and Powers of the said Act: 26 Geo. 2. 19 Geo. 3.

Act: And whereas great Progreſs hath been made in the Repair of the ſaid Roads, and ſeveral Sums of Money have been borrowed on the Credit of the Tolls authorized to be taken thereon; which Money is ſtill due and owing, and cannot be paid off, nor can the ſaid Roads be effectually amended, widened, improved, and kept in Repair, unleſs the Term of the ſaid Acts is further continued; and the Powers and Proviſions thereof being found defective and inſufficient, it would be more convenient to the Truſtees of the ſaid Roads, and the ſame would be more effectually repaired, improved, and maintained, if the ſaid Acts were repealed, and further and other Powers granted inſtead thereof: And whereas the Communication between *England* and *Scotland* might be rendered much leſs inconvenient and dangerous if Powers were given to erect and build a Bridge over the River *Tweed*, at or near the Town of *Norham* in the ſaid County of *Durham*, and alſo another Bridge over the ſaid River at or near a certain Ford called *New Water Ford*; but the ſame cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That as ſoon as a ſufficient Number of Truſtees appointed by this Act are aſſembled at their Firſt Meeting purſuant to the Directions herein-after contained, and ſhall have proceeded to put this Act in Execution, the ſaid ſeveral Acts herein-before mentioned ſhall be, and the ſame are hereby declared to be repealed; and inſtead thereof this Act ſhall commence and take Effect, and continue in force and be put in Execution for and during the Term herein-after mentioned, for the Purpoſe of repairing, altering, widening, improving, and keeping in Repair the Roads herein-after mentioned; that is to ſay, the Road leading from the Turnpike Road at *Buckton Burn* in the County of *Durham*, through the Town of *Berwick-upon-Tweed*, to a Place called *Lammerton Hill*, being the Extremity of the Liberty of the ſaid Town of *Berwick* towards *Scotland*, and the High Road from *London* to *Edinburgh*; and alſo the Road branching from the ſaid firſt-mentioned Road at the South End of the Town of *Tweedmouth* in the County of *Durham*, and leading along a Place called *Etal High Way* through the lower Part of the Town of *Eaſt Ord* to *Twizel Bridge*, and from thence through the Town of *Cornhill* to *Deddo Burn*, all in the ſaid County of *Durham*, being the High Road from the Town of *Berwick* to *Coldſtream*, *Kelſo*, *Jedburgh*, and *Hawick*, in *North Britain*, with which Towns the Town of *Berwick* hath great Intercourſe of Trade; and alſo the Road branching from the Road at *Etal High Way*, and leading paſt the Brick Houſes through the Town of *Duddo*, to a Brook called *Horn Burn* adjoining *Berry Hill Ground* in the ſaid County of *Durham*, being the High Road from *Berwick* to *Ford Bridge* in the County of *Northumberland*; and alſo the Road branching from the ſaid firſt mentioned Road near *Scremerſton* in the ſaid County of *Durham*, leading through *Ancroft* to *Lickerburn*, the Extremity of that Part of the County of *Durham*, and the High Road to *Wooler* in the County of *Northumberland*; and alſo the Road branching from the ſaid firſt mentioned Road at *Scots Gate* in the Town of *Berwick* aforeſaid, and leading by the South Side of *Hally Down Hill* to a Houſe called *The Bound Road Houſe*, the Extremity of the Liberty of the ſaid Town of *Berwick* towards *Scotland*; and alſo the Road branching from the ſaid firſt mentioned Road at *Scots Gate* aforeſaid

Roads deſcribed.

ſaid leading to the River *Whittater*, and from thence to another Place called *The Bound Road*, the Extremity likewiſe of the Liberty of the ſaid Town of *Berwick* towards *Scotland*; and alſo for the ſeveral other Purpoſes herein-after mentioned; and this Act, and the Term hereby granted, and the Tolls firſt herein-after authorized to be collected, ſhall be and are hereby declared to be ſubject to and charged with the Payment of all Money now due and owing on Account or on the Credit of the ſaid recited Acts, and of all Money which may hereafter be borrowed on the Credit of the ſaid firſt herein-after mentioned Tolls, and of the Intereſt due and to grow due thereon reſpectively.

Truſtees.

II. And be it further enacted, That *George Adam Aſkew*, *John Watſon Aſkew*, *Henry Aſkew*, *Lawſon Armſtrong*, *Thomas Adams*, *Thomas Alder Thomas Alder* the younger, *William Rowland Alder*, Sir *Francis Blake*, Baronet, *Rowland Burdon*, *George Bailey*, the Mayor, Recorder, and Vicar of *Berwick* for the Time being, *Francis Blake*, *Robert Dudley Blake*, *George Buchan*, *George Buchan* the younger, *Alexander Boſwell*, *James Bell*, *Bryan Bell*, *John Bell*, *John Bogue*, Sir *Thomas Clavering*, Sir *John Callander*, Baronets, the Rector or Vicar of *Carham* for the Time being, *William Clavering*, *Edward Clavering*, *William Caſhell*, *John Conſtable*, *Henry Collingwood*, *Robert Carr*, *Anthony Compton*, *Ralph Compton*, *William Compton*, *Alexander Chriſtie*, *William Dunbar* Doctor of Phyſic, *Alexander Daviſon* of *Whiteridge*, *William Dickſon*, *James Dixon*, *Thomas Donaldſon*, Sir *John Eden*, Baronet, *John Fordyce*, *John Fordyce* the younger, the Rector of *Ford* for the Time being, *Anthony Forſter*, *Matthew Forſter*, *Ralph Forſter*, Sir *Henry Grey* Baronet, the Honourable *Charles Grey*, *Anthony Gregſon*, *Anthony Gregſon* the younger, *William Greive* of *Ord*, *Burnett Roger Greive*, *William Greive* of *Sanſon Seal*, *Burnett Greive*, *John Grey*, *John Gregſon*, Sir *Carnaby Haggerſton*, Sir *James Hall*, Baronets, *Robert Hay*, *Patrick Home* of *Wedderburn*, *Joſeph Hume*, *George Home*, *Thomas Hall*, *William Hepburn*, *John Home*, *George Hogarth*, *William Jeffreys*, *John Jeffreys*, *Robert Johnſon*, *Patrick Johnſon*, the Vicar of *Kirknewton* for the Time being, *Thomas Carr*, *Ralph John Lambton*, *Blake Stow Lundell*, *John Lumſdaine*, *George Logan*, *George Logan* the younger, *John Logan*, Sir *Ralph Milbanke*, Sir *William Middleton*, Baronets, *Joſeph Marſhall*, *John Marjoribanks*, *William Molle* of *Mains*, the Vicar of *Norham* for the Time being, *Thomas Neſbitt*, *Daniel Ord*, *George Ord*, *Thomas Ord*, *Robert Ogle*, Sir *James Pringle* Baronet, *John Proctor*, *John Pratt*, Sir *Matthew White Ridley*, Sir *James Riddell*, Baronets, *Alexander Renton*, *Robert Romer*, *William Robertſon* of *Ladykirk*, *Alexander Robertſon*, *Robert Roddam*, *Mark Riddell*, *William Riddell*, *David Renton*, Sir *John Stuart* Baronet, *Archibald Swinton*, *John Swinton*, *Henry Collingwood Selby*, *George Selby* of *Beal*, *John Staward*, *Adam Sibbitt*, *Francis Sitwell*, *John Turnbull*, the Honourable *John Vaughan*, *Dalhouſie Weatherſton*, *John Wilkie* of *Hetton*, *James Wilkie* of *Foulden*, *James Wilkie* the younger, *John Wood*, *William Waite*, *Robert Wilkie* of *Ladythorn*, *John Wilſon*, *Thomas Younghuſband*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for putting in Execution all the Powers and Authorities by this Act given and granted.

New Truſtees to be elected.

III. And be it further enacted, That as often as any of the ſaid Truſtees hereby appointed, or to be elected in Manner herein-after mentioned,

tioned, ſhall die, or by Notice in Writing under his or their Hand or Hands to the Clerk to the ſaid Truſtees refuſe to act, it ſhall and may be lawful for the ſurviving or remaining Truſtees, or any Seven or more of them, by any Writing or Writings under their Hands, from Time to Time to elect One other fit Perſon to be a Truſtee in the Room of each Truſtee ſo dying or refuſing to act; provided that Notice of the Time and Place of Meeting for the Election of all ſuch new Truſtees ſhall be affixed by the Clerk or Clerks to the ſaid Truſtees for the Time being, at or on all the Turnpike Gates which now are erected or ſhall be erected by virtue of this Act, at leaſt Fourteen Days before the Meeting for ſuch Election; and all ſuch Perſons as ſhall be choſen and appointed new Truſtees as aforeſaid, ſhall be joined with ſuch ſurviving Truſtees, and ſhall be and are hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full, large, and ample a Manner, as if ſuch Perſons had been particularly named in and appointed by this Act.

Qualification of Truſtees.

IV. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in any Caſe in the Execution of this Act, unleſs at the Time of his acting therein he ſhall be in the actual Poſſeſſion, Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Freehold, Leaſehold, or Copyhold of the clear yearly Value of One hundred Pounds, or ſhall be Heir Apparent to ſome Perſon or Perſons having an Eſtate of the yearly Value of Three hundred Pounds, and unleſs the Perſon claiming to be in Poſſeſſion of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds as aforeſaid, ſhall, before he takes upon him to act in the Execution of the Truſts under this Act, take and ſubſcribe the Oath or Affirmation (which Oath or Affirmation the ſaid Truſtees, or any Two or more of them, are hereby empowered and required to adminiſter), following; (that is to ſay),

Oath.

'I *A. B.* do ſwear, [*or*, being One of the People called *Quakers*, do ſolemnly affirm], That I truly and *bonâ fide* am in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds. So help me GOD.'

Penalty for acting, not being qualified.

And if any Perſon not qualified as aforeſaid ſhall nevertheleſs preſume to act in the Truſt aforeſaid, contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds, to any Perſon who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, wherein no Eſſoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance ſhall be allowed, or in the Court of Seſſion in *Scotland*, by Way of ſummary Complaint or Petition.

Truſtees qualified under the former Acts, may act without again qualifying.

V. Provided always, and be it further enacted, That ſuch of the Truſtees herein-before appointed, who ſhall have qualified and taken the Oath purſuant to the Directions of the ſaid former Acts, or either of them, may and are hereby authorized and empowered to act in the Execution of the Powers granted by this Act, without again qualifying as by

by this Act directed; any Thing herein-before contained to the contrary thereof notwithstanding.

Trustees First Meeting.

VI. And be it further enacted, That the said Trustees shall meet together at the *Hen and Chickens Inn* in *Berwick-upon-Tweed* aforesaid, on the Twelfth Day of *July* next after this Act shall have received the Royal Assent, or as soon after as conveniently may be, and proceed to the Execution of this Act; and that the said Trustees shall and may then and from Time to Time afterwards, adjourn themselves to meet at such Time and Place within the said County of *Durham*, or the said Town of *Berwick-upon-Tweed*, or the Liberties thereof, as the said Trustees, or any Two or more of them, shall think proper; and if it shall happen that there shall not appear at any Meeting a sufficient Number of Trustees to act or to adjourn to another Day (Two Trustees being deemed sufficient for the Purpose of Adjournment only), or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in every such Case any Two or more of the said Trustees, or the Clerk to the said Trustees, shall by Writing to be affixed on any Two of the Turnpike Gates erected or to be erected by virtue of this Act, at least Six Days before the next Meeting, appoint the Trustees to meet at the House or Place where the last Meeting was held or was appointed to be held, or some other convenient House or Place within the said County or the said Town or Liberties, on some convenient Day not exceeding One Calendar Month from the Date of the said Notice; and the said Trustees shall at their Meetings defray their own Expences; and all Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and that no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein; and that such One of the Trustees present, as the major Part of them then attending shall appoint, shall preside and be called President; and that all Acts, Orders, and Proceedings, which are hereby directed to be done, made, or had by or before the said Trustees, shall and may be done, made, or had by or before any Three or more of them (except where any greater Number is hereby required); and that all Acts, Orders, and Proceedings, made or had by or before such Three Trustees, shall have the same Force and Effect as if the same were done, made, or had by or before the whole Number of Trustees; and that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees (except only in such Cases where they may be personally interested); and in all Cases where the Trustees are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees to administer such Oath.

Orders to be made at General Meetings.

Trustees may act as Justices, and administer Oaths.

Mortgagees, *etc.* may act as Trustees.

VII. Provided always, That no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any Tolls granted by this Act, or either of the said former Acts, or receiving Interest thereout for the same, shall be deemed unqualified or disabled from acting as a Trustee in the Execution of this Act.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees it shall at any Time be thought necessary that an earlier

earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the acting Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Six Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Proceedings of the Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments.

For entering Orders, *etc.*

IX. And be it further enacted, That all Orders and Proceedings of the Truſtees at their ſeveral Meetings ſhall be entered in a Book or Books, to be kept for that Purpoſe; and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Truſtees preſent at each Meeting, or the Preſident of the Meeting, or by the Clerk to the ſaid Truſtees; which Book or Books, and alſo the Book herein-after directed to be kept for regiſtering the Mortgages and Aſſignments, or Tranſcripts thereof, ſigned by the Clerk to the ſaid Truſtees, ſhall be admitted as Evidence in all Courts whatſoever, touching any Thing done in purſuance of this Act.

Truſtees to appoint Collectors and other Officers,

X. And be it further enacted, That the ſaid Truſtees preſent at their Firſt or any ſucceeding Meeting ſhall and may, by any Writing or Writings under their Hands, chooſe and appoint One or more fit Perſon or Perſons to be Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors of the reſpective Tolls hereby granted, and One or more fit Perſon or Perſons to be Surveyor or Surveyors, to view the Condition of the ſaid Roads, and to ſee that the ſame be duly repaired, and that the Money by this Act raiſed be duly applied, and alſo ſuch other Officers as the ſaid Truſtees ſhall think neceſſary; and the ſaid Truſtees alſo ſhall be, and they are hereby, empowered to remove ſuch Clerks, Treaſurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the ſaid Truſtees ſhall ſee Occaſion; and the ſaid Truſtees ſhall and may appoint others in caſe of Death or ſuch Removal; and the Tolls hereby impoſed ſhall be paid to ſuch Perſons as ſhall from Time to Time be ſo appointed to receive the ſame; and the ſaid Collector or Collectors, Receiver or Receivers, Surveyor or Surveyors appointed as aforeſaid, ſhall Once every Three Months, or oftener if required by the ſaid Truſtees, deliver upon Oath (which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter), a true, exact, and perfect Account in Writing, under their reſpective Hands, of all Monies which he or they, and every or any of them, ſhall to ſuch Time have received, paid, and diſburſed by virtue of this Act, or by Reaſon of their reſpective Offices, for which Oath no Fee or Reward ſhall be taken; and in caſe any Money ſo received ſhall remain in their or any of their Hands, the ſame ſhall be paid to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall by Writing or Writings under their Hands authorize and empower to receive the ſame, and ſhall be applied and diſpoſed of reſpectively, according to the true Intent and Meaning of this Act, and not otherwiſe; and the ſaid Truſtees ſhall and may, out of the Money ariſing by the ſaid Tolls, make ſuch Allowances to

who are to account upon Oath, if required.

the

the Clerk or Clerks, Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and the Surveyor and Surveyors, and other Officers appointed as aforeſaid, for and in Conſideration of his or their Care and Pains in the Execution of his and their reſpective Offices, and to ſuch other Perſon or Perſons as ſhall be aſſiſting in and about the procuring the ſaid Roads to be repaired, by advancing or laying out any Money, or otherwiſe relating thereunto, as to the ſaid Truſtees ſhall appear reaſonable; and in caſe the ſaid Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or any of them ſhall neglect or refuſe to make ſuch Account and Payment as aforeſaid, that then any Two or more Juſtices of the Peace, at any Special Seſſions or Monthly Meetings to be holden for the ſaid County of *Durham* or Town of *Berwick-upon-Tweed* reſpectively, ſhall make Enquiry of or concerning ſuch Default, as well by the Confeſſion of the Parties themſelves as by the Teſtimony of any One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices are hereby empowered and required to adminiſter, without Fee or Reward); and if any Perſon or Perſons ſhall be convicted of ſuch Neglect or Refuſal, the ſaid Juſtices ſhall commit the Party or Parties ſo convicted to the Common Gaol of the ſaid County of *Durham*, or Town of *Berwick-upon-Tweed*, where the Offence ſhall be committed, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment as aforeſaid.

Officers appointed under the former Acts, to continue in their Offices until removed.

XI. Provided always, That the Clerk, Treaſurer, Surveyor, and other Officers, who have been appointed under and employed in the Execution of the ſaid former Acts, or either of them, ſhall reſpectively continue to execute their reſpective Offices under the preſent Act, until they ſhall reſpectively reſign, or be removed or diſplaced by the ſaid Truſtees in Manner before mentioned.

Treaſurer to give Security.

XII. Provided always, and be it further enacted, That the Treaſurer or Treaſurers, Receiver or Receivers to be appointed as aforeſaid, ſhall, before he or they ſhall enter upon his or their reſpective Offices, give Security for the due and faithful Execution thereof to the Satisfaction of the ſaid Truſtees, which Security the ſaid Truſtees are hereby required to take, and to cauſe the ſame to be depoſited, either in the Hands of the Clerk of the Peace for the County of *Durham*, or of the Town Clerk of the ſaid Town of *Berwick-upon-Tweed*, as the ſaid Truſtees ſhall think fit.

Victuallers, &c. not to be Officers.

XIII. Provided always, and be it further enacted, That no Victualler or Retailer of Beer or Ale, or any Spirituous Liquors whatſoever, ſhall be capable of holding any Office under the ſaid Truſtees.

Old Gates to be continued, and new ones erected.

XIV. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and may, and they are hereby authorized and empowered to continue all or any of the Gates or Turnpikes now erected in or on the Sides of the ſaid Roads, and to cauſe to be erected and ſet up ſuch other Gates or Turnpikes, as they ſhall judge requiſite, in Manner herein-after mentioned, upon, acroſs, or on the Sides of any other Part or Parts of the ſaid Roads herein-before directed to be repaired,

repaired, ſo as the ſame do not extend to a double Charge upon any Perſon paſſing through any other of the Turnpikes already erected, or to be erected in purſuance of the Powers herein-before contained, and ſo as no ſuch Gate or Turnpike to be erected upon, acroſs, or on the Sides of any other Part or Parts of the ſaid Roads be placed or ſet up on the North Side thereof beyond the Scite of the preſent Gate at *Scotsgate*, within the Liberties of the Town of *Berwick-upon-Tweed*, or on the South Side above the Diſtance of Five Miles from the Market Croſs of the ſaid Town of *Berwick-upon-Tweed*, or be cauſed to be erected by any leſs Number of Truſtees than the Number of Five, upon previous publick Notice of Twenty Days given in One of the *Newcaſtle* and One of the *Edinburgh* Newſpapers, ſpecifying the Time and Place of Meeting, and that ſuch Meeting is to be held in order to conſider of the ſetting up or erecting of Gates acroſs or on the Sides of the ſaid Roads; and the ſaid Truſtees, or any Five or more of them, ſhall erect or provide ſuch Toll Houſes at the reſpective Places where the ſaid Gates or Turnpikes ſhall be erected, as the ſaid Truſtees, or any Five or more of them ſhall think convenient; and that the reſpective Tolls following ſhall be demanded and taken by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time appoint for that Purpoſe, before any Horſe, Mare, Gelding, Mule, Aſs, Cattle, Coach, Landau, Chariot, Berlin, Chaiſe, Hearſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage whatſoever, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Hearſe, Calaſh, or other Carriage, drawn by Six Horſes, Mares, Geldings, or Mules, the Sum of Three Shillings; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of One Shilling:

For every Calaſh, Chaiſe, or Chair, drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Sixpence:

For every Waggon, Wain, or Cart, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Four-pence; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Ten-pence; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight-pence; and drawn by One Horſe or other Beaſt of Draught, the Sum of Four-pence:

For every Horſe, Mare, Gelding, Mule, Aſs, or Beaſt of Burden, laden or unladen, and not drawing, the Sum of Three-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Eight-pence *per* Score; and ſo in Proportion for a greater or leſs Number: And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Four-pence *per* Score; and ſo in Proportion for a greater or leſs Number.

Tolls how to be levied in caſe of Refuſal of Payment.

Which ſaid reſpective Sums of Money ſhall be demanded and taken as for or in the Name of a Toll; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made,

made, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect the ſaid Tolls as aforeſaid, to levy the ſame by Diſtreſs of any Horſe or Horſes, or other Cattle, upon which ſuch Toll is by this Act impoſed, together with their Bridles, Saddles, Geers, Harneſs, or Accoutrements, or a ſufficient Part thereof; and if ſuch Toll, and the reaſonable Charges of making and keeping ſuch Diſtreſs, ſhall not be paid within the Space of Four Days after ſuch Diſtreſs ſhall be made and taken, the Perſon or Perſons making ſuch Diſtreſs may ſell the Horſe or Horſes, Cattle, or other Things ſo diſtrained, or a ſufficient Part thereof returning the Overplus, (if any), upon Demand, to the Owner thereof, after ſuch Toll and all reaſonable Charges ſhall be deducted; and all Monies ſo to be collected or levied by virtue of this Act, ſhall be and are hereby veſted in the ſaid Truſtees, and their Succeſſors for the Time being, and ſhall be applied and diſpoſed of to ſuch Purpoſes and in ſuch Manner as herein-after is mentioned and directed.

Tolls veſted in Truſtees.

XV. Provided always, That no more than Three Fourth Parts of the Tolls herein-before granted ſhall be demanded or taken at any of the Gates or Turnpikes already erected or to be hereafter erected by virtue of the Powers herein-before contained, upon any of the ſaid Roads lying in the County of *Durham*; and that no more than One Fourth Part of the ſaid Tolls ſhall be demanded or taken at any of the Gates or Turnpikes erected or to be erected upon any of the ſaid Roads lying within the Liberties of the Town of *Berwick-upon-Tweed* towards *Scotland*.

In what Proportion to be taken.

XVI. Provided alſo, and be it further enacted, That in caſe the Right Honourable the Earl of *Tankerville* and Sir *Henry Grey* Baronet, ſhall, each of them reſpectively on or before the Firſt Day of *September* One thouſand eight hundred and two, pay or cauſe to be paid in lieu of the ſaid Tolls the Sum of Fifteen Pounds to the Truſtees hereby appointed, or to their Treaſurer or Treaſurers, and ſhall continue annually to pay or cauſe to be paid the like Sum of Fifteen Pounds on or before the Firſt Day of *September* in every ſucceeding Year during the Continuance of this Act, then and in ſuch Caſe only the Corn and Wool, which are the Produce of the Lands or Eſtates belonging to the ſaid Earl of *Tankerville* and Sir *Henry Grey* Baronet, and their Heirs reſpectively, carried or conveyed to the ſaid Town of *Berwick-upon-Tweed*, ſhall not be chargeable with any of the Tolls herein before granted; but if the aforeſaid Sums of Money ſhall not be paid in Manner aforeſaid, then ſuch Corn and Wool ſhall be ſubject to and chargeable with the ſame Tolls and Duties as are or may be paid by any other Perſon or Perſons paſſing through any of the Gates or Turnpikes already erected or to be erected by virtue of the Powers herein-before contained; and in order to prevent the Payment of the ſaid Tolls being evaded, the ſaid Earl of *Tankerville* and Sir *Henry Grey*, and their Heirs reſpectively, ſhall, at the Time of paying the ſaid Sum of Fifteen Pounds annually, deliver or cauſe to be delivered to the ſaid Truſtees, or their Treaſurer or Treaſurers as aforeſaid, a Liſt, ſigned by them, or by their reſpective Agents or Stewards, containing the Names and Deſcriptions of ſuch of their Tenants as ſhall be entitled to the Benefit of ſuch Compoſition.

Compoſition to be paid by the Earl of *Tankerville* and Sir *Henry Grey* Baronet.

Penalty on Perſons not entitled claiming the Benefit of the ſaid Compoſition.

XVII. And be it further enacted, That if any Perſon ſhall, under Pretence or Colour of the ſaid Compoſition, refuſe to pay the ſaid Tolls, or any of them, for any Corn or Wool which are not the Produce of the Lands or Eſtates of the ſaid Earl of *Tankerville* or Sir *Henry Grey* reſpectively, every ſuch Perſon being convicted thereof, by the Oath of One credible Witneſs, or by Confeſſion of the Party before One or more Juſtice or Juſtices of the Peace for the ſaid County of *Durham* or Town of *Berwick-upon-Tweed* reſpectively, ſhall forfeit and pay any Sum not exceeding the Sum of Twenty Pounds, to be levied as herein-after is directed.

Application of the Money to be raiſed.

XVIII. And be it further enacted, That out of the Firſt Money which ſhall be collected at the ſeveral Gates or Turnpikes already erected or hereafter to be erected as aforeſaid, or out of ſuch Money as ſhall be borrowed upon the Credit of the Tolls herein-before by this Act impoſed, all the Expences and Charges incident to and attending the obtaining and paſſing of this Act, and alſo all the Expences of ſetting up, erecting, and providing ſuch Gates or Turnpikes and Toll Houſes on the ſaid Roads, ſhall in the Firſt Place be ſatisfied and diſcharged; and that afterwards the Money ariſing by the ſaid Tolls ſhall be applied and diſpoſed of in repairing the ſaid Roads herein-before mentioned and deſcribed, and in paying the Intereſt and Principal of the Money due and owing as aforeſaid on the Credit of the ſaid former Acts, and the Intereſt and Principal of the Money to be borrowed on the Credit of the ſaid Tolls, and in the other neceſſary Charges attending the Execution of this Act, ſo far as reſpects the ſaid herein-before mentioned Roads, and to no other Uſe or Purpoſe whatſoever.

Clauſe for repairing *Whittater* Bridge:

XIX. And whereas the Bridge formerly erected over the River *Whittater*, within the Diſtrict of the Town of *Berwick-upon-Tweed*, commonly called *Whittater Low Bridge*, is now in a ruinous Condition, and it is intended that the ſame ſhould be rebuilt, in order to keep open and facilitate the Communication between the ſaid Town and the Shire of *Berwick*; and it will be for the mutual Benefit of the ſaid Places that the ſaid Bridge, when rebuilt, ſhould be maintained and kept in Repair; be it further enacted, That if the ſaid Bridge ſhall at any Time hereafter be rebuilt, and the Bridge herein-after directed to be built acroſs the River *Tweed*, at or near a Ford or Place called *New Water Ford*, ſhall not be then built, the ſaid Truſtees and their Succeſſors ſhall, until the ſaid Bridge intended to be built at *New Water Ford* ſhall be erected and open for Paſſage, apply ſo much of the Money which ſhall be collected at the Gate or Turnpike erected or to be erected in purſuance of this Act within the Liberties of the ſaid Town of *Berwick-upon-Tweed* towards *Scotland*, as the ſaid Truſtees, or any Seven or more of them, ſhall from Time to Time judge neceſſary for keeping the ſaid Bridge over the River *Whittater* in good and ſufficient Repair.

And *Twizel* Bridge.

XX. And be it further enacted, That, during the Continuance of this Act, the Truſtees hereby appointed, and their Succeſſors, ſhall apply ſo much of the Money which ſhall be collected at the Gate or Turnpike, or Gates or Turnpikes, erected or to be erected as aforeſaid, for repairing the ſaid Roads in the County of *Durham*, as the ſaid Truſtees, or any Seven or

more of them, shall from Time to Time judge necessary, for keeping the Bridge called *Twizel Bridge*, in the said County of *Durham*, in good and sufficient Repair.

Power to erect Bridges.

XXI. And be it enacted, That the said Trustees may and they are hereby authorized and empowered to build, or cause to be built, a new Bridge across the said River *Tweed*, in the most convenient Situation that can be found for the same, at the said Town of *Norham*, or within One Mile on either Side of the Market Cross thereof; and also another new Bridge across the said River *Tweed*, in the most convenient Situation that can be found for the same, at the said Ford or Place called *New Water Ford*, or within One Mile on either Side thereof; and to dig and make proper Foundations in the said River, and on the Lands on each Side, for the Piers and Abutments of the said Bridges, and each of them, and to cut and level the Banks of the said River in such Manner as shall be necessary and proper for the said Bridges; and to cut, remove, and take away all the Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or other Impediment whatsoever, which may anyways hinder the erecting and completing the said Bridges, or either of them, and to erect and make in and over the said River, and the Lands adjoining or near the same, any Campshots, Trenches, and Landing Places, and from Time to Time and at all Times hereafter to do all other Matters and Things necessary or convenient for erecting, maintaining, or supporting the said Bridges, and for executing the Purposes of this Act; and that the said Trustees shall also, and they are hereby authorized and empowered to make or cause to be made Two new Roads in the most convenient Directions from the said Two Bridges to the Road leading from *Berwick-upon-Tweed* aforesaid, to *Cornhill* in the said County of *Durham*, and also to make and form a sufficient Communication between the North Ends of the said Bridges and the next most convenient publick Roads in the said County of *Berwick*, and for those Purposes to contract and agree for the purchasing of any Lands, Tenements, Ferries, Hereditaments, or other Property whatsoever, which the said Trustees, or any Seven or more of them, shall think necessary to be made Use of upon Account of the said Bridges, or either of them, or the said Roads or Communication therewith, or the Execution of any of the Powers of this Act; and also to treat, contract, and agree for the Loss or Damage any Person or Persons may sustain, whose Lands, Tenements, Ferries, Hereditaments, or other Property whatsoever, shall be really and truly encroached upon, or damaged by or on Account of the building of the said Bridges, of either of them, or the Roads or Communication therewith, or the Execution of any of the Powers of this Act; and out of the Monies arising by virtue of the Tolls herein-after authorized to be collected upon or near to the said Bridges, or out of any Money to be raised on the Credit thereof, to pay for the Purchase of such Lands, Tenements, Ferries, Hereditaments, or other Property whatsoever, or for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between the Owners and Occupiers thereof, and Persons interested therein, and the said Trustees, or any Seven or more of them, and also the Costs and Charges attending such Agreements and Purchases respectively.

Bodies Politick, *etc.* may sell Lands, *etc.*

XXII. And be it further enacted, That it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or

or Sole, and all Feoffees in Truſt, Huſbands, Executors, Adminiſtrators, Guardians, Committees, and other Truſtees, and for all Femes Covert and other Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments, which may be neceſſary to be purchaſed for the Purpoſes of this Act, to ſell and convey the ſame, and all their Eſtate and Intereſt therein, to the ſaid Truſtees, or to ſuch Perſons and their Heirs as the ſaid Truſtees ſhall direct, in Truſt for the ſaid Truſtees, for the Purpoſes of this Act; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall, without any Fine, Recovery, or other extraordinary Conveyance or Aſſurance, be good, valid, and effectual; any Law, Uſage, or other Matter or Thing to the contrary notwithſtanding; and that all ſuch Perſons ſhall be and are hereby indemnified for what they ſhall do by virtue and in purſuance of this Act.

Value of Lands, *etc.* in the County of *Durham*, to be aſcertained by a Jury at the Quarter Seſſions, if the Parties do not agree.

XXIII. And be it further enacted, That if any ſuch Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Perſon or Perſons, ſo ſeiſed, poſſeſſed of, or intereſted in any Houſes, Lands, Tenements, Ferries, or Hereditaments, in the ſaid County of *Durham*, ſhall refuſe or neglect to treat, or ſhall not agree for the Sale of any ſuch Houſes, Buildings, Lands, Tenements, Ferries, or Hereditaments, or for their Intereſt therein, or by Reaſon of Abſence or otherwiſe ſhall be prevented from treating, and the ſaid Truſtees ſhall, Ten Days at the leaſt before any General or Quarter Seſſions of the Peace to be holden for the ſaid County of *Durham*, cauſe Notice in Writing to be given to ſuch Owners or Perſons intereſted, Guardians, Committees, or Truſtees, Executors or Adminiſtrators reſpectively, or to the principal Officer of ſuch Body Politick, Corporate, or Collegiate, or to be left at the Houſe of the Tenant in Poſſeſſion, Occupier, or Renter of any ſuch Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments, ſo intended to be purchaſed, purporting that the Value thereof will be adjuſted and ſettled by a Jury at the ſaid Seſſion, then and in every ſuch Caſe the Juſtices at ſuch Seſſion, upon Proof of ſuch Notice having been given or left as aforeſaid, are hereby authorized and required to charge the Jury which ſhall attend at ſuch Seſſion, or ſome other Jury of Twelve honeſt and indifferent Men to be then and there returned and impannelled by the Sheriff of the ſaid County, without Fee or Reward, and cauſe them to be ſworn well and truly on their Oaths to aſſeſs the Value of the Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments mentioned or deſcribed in the ſaid Notice, and the Damages and Recompence to be given for the ſame, or ſuch Part or Parts thereof as ſhall be intended to be taken or uſed for the Purpoſes aforeſaid, to the reſpective Owners, Occupiers, and Perſons intereſted, according to their reſpective Intereſts therein; and the ſaid Truſtees, and all Perſons intereſted, ſhall have their lawful Challenges againſt any of the ſaid Jury, when they come to be ſworn; and the ſaid Jury being ſo ſworn and charged as aforeſaid, and after proper Evidence to them upon Oath given, (which Oath, and alſo the Oath to the ſaid Jury, the ſaid Juſtices are hereby authorized to adminiſter), concerning the Nature, Quantity, and Value of ſuch Houſes, Buildings, Lands, Ferries, Tenements, or Hereditaments as aforeſaid, and alſo after having viewed the Place in Queſtion (if judged neceſſary by the ſaid Juſtices in Seſſion aſſembled, on the Application

Application of the ſaid Truſtees, or any of the Parties intereſted), ſhall by their Verdicts aſſeſs, declare, and aſcertain the Price or Recompence and Damages to be given or paid to ſuch reſpective Owners, Occupiers, and Perſons intereſted, according to their reſpective Intereſts therein; and ſuch Verdict of the ſaid Jury ſhall be binding, final, and concluſive to the ſaid Truſtees, and to all Perſons and Parties intereſted in the ſaid Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments; and the ſaid Juſtices ſhall and may award Coſts to either Party, as in their Diſcretion ſhall ſeem meet, and every ſuch Verdict of the Jury, and all Proceedings of the Juſtices as aforeſaid, ſhall be fairly written or ingroſſed, and kept and entered amongſt and be deemed Part of the Records of the General or Quarter Seſſion of the Peace of the ſaid County.

On Payment of Purchaſe Money, Premiſes to be conveyed.

XXIV. And be it further enacted, That on Payment of ſuch Sum or Sums of Money ſo to be aſſeſſed as aforeſaid, the Perſon or Perſons to or for whom the ſame ſhall be ſo aſſeſſed, ſhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances and Aſſurances in the Law of their ſeveral Eſtates ſo to be purchaſed as aforeſaid, to the ſaid Truſtees, or to ſuch Perſon or Perſons, as they ſhall nominate and appoint, and their Heirs, in Truſt for the ſaid Truſtees, for the Purpoſes aforeſaid, and ſhall procure all neceſſary Parties to execute ſuch Conveyances and Aſſurances, and ſhall do all Acts, Matters, and Things requiſite and neceſſary to make and perfect the ſame; and ſuch Conveyances and Aſſurances ſhall contain all ſuch reaſonable and uſual Covenants as ſhall on the Part of the ſaid Truſtees be required; and in caſe the Perſon or Perſons to or for whom any ſuch Sum or Sums ſhall be aſſeſſed as aforeſaid, ſhall not be able to prove his or their Title to the ſaid Premiſes to the ſaid Truſtees, and to make or procure to be made good, valid, and legal Conveyances thereof, or ſhall refuſe ſo to do, being thereunto required by Writing under the Hands of the ſaid Truſtees, and ſuch Sum or Sums ſo aſſeſſed, being produced and tendered to be paid to the ſeveral Perſons entitled thereunto as aforeſaid, on their making ſuch Title, and executing or procuring to be executed ſuch Conveyances or Aſſurances as aforeſaid; or in caſe any ſuch Perſons cannot be found, or if by Reaſon of any Diſpute depending in any Court of Law or Equity, or for Defect of Evidence or otherwiſe, it ſhall not appear to the ſaid Truſtees what Perſon or Perſons is or are entitled, or if any Mortgagee or Mortgagees ſhall refuſe to take his, her, or their Mortgage Money due on the Premiſes, after Notice given to him, her, or them, for that Purpoſe as herein-after mentioned, then and in every ſuch Caſe it ſhall be lawful for the ſaid Juſtices, at their Seſſion as aforeſaid, to order the Sum or Sums ſo aſſeſſed as aforeſaid as the Value or Purchaſe Money for ſuch Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments, or which ſhall be due on ſuch Mortgage, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe as to the ſame Court ſhall ſeem meet, to order

Mortgagees refuſing to take their Money, Truſtees to order the ſame to be paid into the Bank of *England*.

Subject to the Order of the Court of Chancery on Motion or Petition.

Diſtribution thereof according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as the ſame Court ſhall think juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon as ſhall pay any ſuch Sum or Sums into the Bank as aforeſaid; which Receipts ſhall be entered and kept, and be deemed as Part of the Records of the Quarter Seſſions for the ſaid County; and immediately on ſuch Payments and Entry, all the Eſtate, Right, Title, Intereſt, Property, Claim, and Demand, in Law and Equity, of the Perſon or Perſons reſpectively to whoſe Uſe the ſame was paid in, to, or out of ſuch Houſes, Buildings, Lands, Tenements, Ferries, and Hereditaments, ſhall be diveſted out of ſuch Perſons reſpectively, and the ſame ſhall from thenceforth veſt in the Truſtees for the Time being for putting this Act in Execution for the Purpoſes aforeſaid, and they ſhall be deemed in Law to be in the actual Poſſeſſion thereof, to all Intents and Purpoſes, as fully and effectually as if every Perſon having any Eſtate in the ſaid Premiſes had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment with Livery and Seiſin, Fine and Recovery, or any other legal Conveyance whatſoever, and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Claim, and Demand of the Perſon or Perſons to whoſe Uſe ſuch Payment was made, but alſo ſhall extend to and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail in Reverſion or Remainder, againſt the Iſſue of every ſuch Perſon, and all Perſons claiming under him or them, to all Intents and Purpoſes.

Mortgagees on Payment or Tender of their Money to convey.

XXV. And be it further enacted, That the Mortgagee or Mortgagees of any Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments, which ſhall be purchaſed in purſuance of this Act, his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, reſpectively, on having Six Months Notice in Writing under the Hands of the ſaid Truſtees, that they will pay off and diſcharge the Principal and Intereſt Money which at the Expiration of the ſaid Six Months ſhall be due on ſuch Mortgage, ſhall, at the End of the ſaid Six Months, on Payment or Tender of the Principal and Intereſt Money which ſhall be then due, convey and aſſign his, her, and their Eſtate and Intereſt in and to the ſaid mortgaged Premiſes to the ſaid Truſtees, or to ſuch Perſon or Perſons as the ſaid Truſtees ſhall nominate and appoint, in Truſt for the ſaid Truſtees, for the Uſes and Purpoſes of this Act; and if any ſuch Mortgagee or Mortgagees, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall refuſe ſo to do, then all Intereſt on every ſuch Mortgage, from the Expiration of the ſaid Six Months after any ſuch Notice given as aforeſaid, ſhall ceaſe and determine.

Application of Compenſation when amounting to or exceeding 200*l.*

XXVI. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatick, or Perſon or Perſons

under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments, or affecting other Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where less than 200 *l.* and exceeding 20 *l.*

XXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Houses, Buildings, Lands, Tenements, or other Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being, entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in Order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option, to

Two

Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where leſs than 20 *l.*

XXVIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Houſes, Buildings, Lands, Tenements, or other Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

On Refuſal Sheriff to deliver Poſſeſſion.

XXIX. And be it further enacted, That in caſe the ſaid Truſtees, or any Perſon authorized by them, ſhall give Six Months Notice in Writing to the Tenant or Occupier of any Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments which ſhall be ſo purchaſed, to quit and deliver up the Poſſeſſion thereof, at the Expiration of Six Months, then all and every ſuch Tenants and Occupiers ſhall, at the End of Six Months after every ſuch Notice, peaceably and quietly deliver up the Poſſeſſion of the Premiſes ſo by him, her, or them occupied, whether upon Leaſe or otherwiſe, to the Perſon or Perſons who ſhall be appointed by the ſaid Truſtees to take Poſſeſſion thereof; and if any Perſon or Perſons ſo in Poſſeſſion ſhall refuſe to give up ſuch Poſſeſſion at the Expiration of ſuch Six Months as aforeſaid, it ſhall be lawful for the ſaid Juſtices, in Seſſion as aforeſaid, from Time to Time to iſſue a Precept to the Sheriff of the County of *Durham*, to cauſe Poſſeſſion thereof to be delivered to ſuch Perſon or Perſons who ſhall be in ſuch Precept nominated to receive the ſame, to the Uſe of the ſaid Truſtees; and the ſaid Sheriff is hereby required to deliver Poſſeſſion of the Premiſes accordingly, and to levy ſuch Coſts as ſhall accrue by Means of the iſſuing and Execution of every ſuch Precept by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons who ſhall have refuſed to give up ſuch Poſſeſſion as aforeſaid, and ſhall refuſe or neglect to pay ſuch Coſts, and the Coſts when recovered ſhall be paid over to ſuch Perſon as the ſaid Truſtees ſhall direct.

Value of Lands in the County of *Berwick*, how to be aſcertained.

XXX. And be it further enacted, That if any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Perſon or Perſons ſo ſeiſed, poſſeſſed of, or intereſted in any Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments, in the County of *Berwick*, which may be neceſſary to be purchaſed for the Purpoſes aforeſaid, ſhall, after Twenty-one Days Notice given to them, or left with the Tenant or Tenants in Poſſeſſion of ſuch Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments, neglect or refuſe to treat, or ſhall not agree for the Purchaſe of any ſuch Houſes, Buildings, Lands,

Tenements,

Tenements, Ferries, or other Hereditaments, or any Part or Parts thereof, or for their Intereſt therein, or for any Loſs or Damage as aforeſaid, or by Reaſon of Abſence ſhall be prevented from treating, then and in either of the ſaid Caſes it ſhall be lawful for the ſaid Truſtees to aſcertain what Sum or Sums of Money ought to be paid for ſuch Houſes, Buildings, Lands, Tenements, Ferries, or other Hereditaments, or for ſuch Loſs or Damages as aforeſaid reſpectively; and in caſe any Perſon or Perſons intereſted as aforeſaid ſhall not be ſatisfied with ſuch Determination of the ſaid Truſtees, it ſhall and may be lawful for all and every ſuch Perſon or Perſons as aforeſaid, and they are hereby empowered to appeal from ſuch Determination to the Sheriff Depute of the County of *Berwick*, or his Subſtitute, who are and is hereby authorized and required to ſummon Forty-five good and lawful Men, diſintereſted in the Iſſue, being Proprietors of Lands or Houſes, or reputable and ſubſtantial Merchants, Traders, or Farmers in the County of *Berwick*, and out of ſuch Perſons ſo ſummoned and returned the Sheriff Clerk of the County of *Berwick*, or his Deputy or Subſtitute, ſhall, in the Preſence of the ſaid Sheriff Depute or his Subſtitute, and of the Parties intereſted, if they chooſe to attend (and to whom due Notice for that Purpoſe ſhall be given), draw the Names of Fifteen Perſons; and the Fifteen Perſons whoſe Names are ſo drawn ſhall form a Jury, for the Purpoſe of enquiring into, and by their Verdict aſcertaining the Price or Recompence to be paid for any Lands or Hereditaments to be taken for the Purpoſes aforeſaid, or the Damage done to any Lands or Hereditaments, or Property, in the Execution of this Act; and in caſe of the Death of any of the Fifteen Perſons ſo drawn, or their Inability to attend, the ſaid Sheriff Depute or his Subſtitute, ſhall direct the Sheriff Clerk, or his Deputy or Subſtitute, to draw from among the remaining Names of the Perſons ſummoned by the ſaid Sheriff Depute, or his Subſtitute, in the Manner before mentioned, ſuch additional Number of Names as may be neceſſary to make up a complete Jury of Fifteen able to attend; and the ſaid Fifteen Perſons are hereby required to come and appear before the ſaid Sheriff Depute or his Subſtitute, at ſuch Times and Places as in his Warrant or Warrants, Precept or Precepts, ſhall be directed and appointed; and the ſaid Sheriff Depute or his Subſtitute, is hereby authorized, by Warrant or Warrants under his Hand, from Time to Time, as Occaſion ſhall require, to call before him ſuch Perſon or Perſons who ſhall be thought proper and neceſſary to be examined as Witneſſes before him touching or concerning the Premiſes, either by the Claimant or Claimants for eſtabliſhing his, her, or their Property, and aſcertaining the Damages to his, her, or their Eſtates, or by the Truſtees before named, concerning the ſame, and towards a due Conſideration of all Circumſtances; and the Sheriff Depute or his Subſtitute, ſhall iſſue his Precept or Precepts, requiring the Attendance of any Perſon or Perſons whoſe Teſtimony any Party ſhall deem material, and for Production of ſuch Books, Papers, Deeds, and Writings, as the ſaid Sheriff Depute or his Subſtitute ſhall judge neceſſary for his Information, or the Information of the Jury, relative to the Matter before him or them; and ſhall and may adminiſter Oaths for the better Diſcovery of the Truth to any Perſon or Perſons therein concerned, or to any other Perſon or Perſons whatſoever; and ſhall and may authorize the ſaid Jury to view the Place or Places, or Matters in Queſtion, as the ſaid Sheriff Depute or his Subſtitute, ſhall think fit; and the ſaid Jury upon their Oaths,

to be administered by the said Sheriff Depute or his Substitute, shall enquire of, and by their Verdict or Verdicts assess such Damage or Recompence as they, upon a due, legal, and equitable Consideration of all the Facts and Circumstances before them, shall judge fit to be awarded to the Person or Persons entitled, by Reason of any legal or equitable Claim for the same, for any Damages or Injury to arise to their Property by erecting the said Bridges, and to the Owners or Occupiers of or Persons interested in such Houses, Buildings, Lands, Tenements, Ferries, or Hereditaments, or any Part thereof, as by the said Trustees shall be judged necessary to be pulled down or converted to the Purposes aforesaid, and the said Sheriff Depute or his Substitute, shall and may give Judgement for such Sum or Sums of Money so to be assessed by such Jury or Juries respectively; which said Verdict or Verdicts, and the Judgement, Decree, or Determination thereupon, declared and pronounced by the said Sheriff Depute or his Substitute, and the Value and Recompence so to be assessed and declared (Notice in Writing being first given of their Meeting, at least Twenty-one Days before declaring the Time and Place of the Meeting, to any Person or Persons concerned, or at his, her, or their usual Place of Abode, or with some Tenant or Occupier of the Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments to be pulled down, converted, or affected by the Execution of this Act, in case such Party cannot otherwise be found out to be served with such Notice), shall be binding and conclusive, to all Intents and Purposes whatsoever, against all and every Person or Persons, Bodies Politick, Corporate, or Collegiate, or Corporation Aggregate or Sole, having or claiming any Right, Title, or Interest into or out of the said Premises affected, his, her, or their Heirs, Executors, and Successors; and the said Verdicts, Judgements, Orders, Sentences, Decrees, and Proceedings of the said Sheriff Depute or his Substitute, so to be made, given, and pronounced as aforesaid, shall be fairly written on Paper or Parchment, and signed by the said Sheriff Depute or his Substitute, and shall be recorded in the Sheriff Court Book of the said County of *Berwick*, and the same, or Extracts thereof, shall be deemed and taken as good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever.

Trustees empowered to sell overplus Ground, *etc.*

XXXI. And be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of any Ground which shall be so purchased, more than they may find sufficient or necessary for the Purposes of this Act, but in every such Case the Preference shall be given to the Person or Persons from whom the same shall have been so purchased; and in case such Person or Persons shall not then and thereupon agree, or shall refuse or decline to re-purchase the same, any Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments shall be situate, by some Person or Persons no way interested in the said Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments, stating that such Offer was made by or on Behalf of the same Company, and that such Offer was not then and thereupon agreed to, or was refused or declined by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was re-

fuſed or declined by the Perſon or Perſons to whom it was made, as the Caſe may be.

Turnpikes to be erected.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to cauſe a Turnpike and Toll Houſe to be erected at ſuch Place or Places upon or at either End of or near to each of the ſaid reſpective Bridges herein-before mentioned and directed to be built as they ſhall think proper; at each of which reſpective Turnpikes there ſhall be demanded and taken, on every Day of the Week, by the Collector or Collectors to be appointed as herein-after mentioned, before any Perſon or Perſons, or any Horſes, Cattle, or Carriages ſhall be permitted to paſs through the ſame reſpectively, the Tolls following; (that is to ſay),

Tolls.

For every Foot Paſſenger the Sum of One Penny:

For every Coach, Chariot, Landau, Berlin, Chaiſe, Hearſe, Calaſh, or other Carriage, drawn by Six or more Horſes, Mares, Geldings, or Mules, the Sum of Six Shillings; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Four Shillings; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings:

For every Calaſh, Chair, Chaiſe, or other ſuch like Carriage, drawn by One Horſe, Mare, Gelding, or Mule, the Sum of One Shilling:

For every Waggon, Wain, or Cart, drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Four or Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Two or Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe or Beaſt of Draught, the Sum of Sixpence:

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Sixpence:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Four-pence; and ſo in Proportion for a leſs Number: And,

For every Score of Calves, Hogs, Sheep, or Lambs, the Sum of Six-pence; and ſo in Proportion for any leſs Number:

Tolls how to be levied in caſe of Refuſal of Payment.

Which ſaid reſpective Sums of Money ſhall be demanded and taken as for or in the Name of a Toll; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof, neglect or refuſe to pay the ſame, it ſhall be lawful for the Perſon or Perſons appointed to collect the ſaid Tolls to levy the ſame by Diſtreſs of any Horſe or Horſes, or other Cattle, upon which ſuch Toll is by this Act impoſed, of ſuch Perſon or Perſons; and if ſuch Toll, and the reaſonable Charges of making and keeping ſuch Diſtreſs, ſhall not be paid within the Space of Four Days after ſuch Diſtreſs ſhall be made and taken, the Perſon or Perſons making ſuch Diſtreſs may ſell the Horſes, Cattle, Harneſs, or Accoutrement ſo diſtrained, returning the Overplus (if any), upon Demand to the Owner thereof, after ſuch Toll and all reaſonable Charges ſhall be deducted; and all Monies ſo to be collected or levied ſhall be and are hereby veſted in the ſaid Truſtees and their Succeſſors for the Time being, and ſhall be applied and diſpoſed of to ſuch Purpoſes and in ſuch Manner as herein-after mentioned and directed.

Tolls veſted in the Truſtees.

Application of the Money.

XXXIII. And be it further enacted, That out of the Firſt Money which ſhall be collected at the ſeveral Turnpikes to be erected as aforeſaid,

ſaid, on or near to the ſaid reſpective Bridges, or out of ſuch Money as ſhall be borrowed on the Credit thereof, the ſaid Truſtees ſhall in the Firſt Place pay over to their Clerk or Treaſurer for the Time being, to be by him placed to the Credit of the Tolls firſt herein-before by this Act charged and impoſed, the Sum of Two hundred Pounds, in Part of the Charges and Expences incident to and attending the obtaining and paſſing of this Act (which are herein-before directed to be paid in the Firſt Place out of the Tolls firſt herein-before charged and impoſed, or out of the Monies to be borrowed on the Credit thereof); and after Payment thereof, all the Monies which ſhall ariſe or come to the Hands, Cuſtody, or Power of the ſaid Truſtees, or their Clerk or Treaſurer, by virtue of the ſeveral Turnpikes to be erected on or near to the ſaid Bridges as aforeſaid, or of the Money which ſhall be borrowed on the Credit thereof, ſhall from Time to Time be applied in defraying the Expences of erecting, building, and ſupporting the ſaid reſpective Bridges, and the ſaid Turnpikes and Toll Houſes, and making and keeping in Repair the Roads from the ſaid reſpective Bridges to the Road leading from *Berwick* to *Cornhill*, in the County of *Durham*; and for making and forming a ſufficient Communication between the North Ends of the ſaid Bridges, and the next moſt convenient publick Roads in the ſaid County of *Berwick*; and for making Satisfaction to all Perſons ſuſtaining any Injury or Damage in conſequence of the ſaid ſeveral Works; and in paying the Intereſt of the Principal Money to be borrowed as aforeſaid; and in defraying all other neceſſary Charges and Expences attending the Execution of this Act, ſo far as reſpects the ſaid reſpective Bridges, and the Roads therefrom to the Road leading from the ſaid Town of *Berwick-upon-Tweed* to *Cornhill* aforeſaid.

Bye Roads and Ferries to be ſhut up and diſcontinued.

XXXIV. And whereas, for the Purpoſe of keeping the ſaid Bridges and Roads leading to and from the ſame in good Repair, and to render the Tolls to be collected thereon or near thereto productive, it is neceſſary and expedient that certain Bye Roads leading to and from the ſaid River *Tweed*, and the Ferries herein after mentioned, ſhould be ſhut up, ſtopped, and diſcontinued; be it therefore enacted, That as ſoon as the ſaid Bridge directed to be built acroſs the ſaid River *Tweed* at or near *New Water Ford* aforeſaid, ſhall be erected and made paſſable, the Paſſage over the ſaid River at *New Water Ford* aforeſaid, and alſo the Bye Road leading from *Gainſlaw* to the ſaid River *Tweed*, and acroſs the ſame, and alſo all other Bye Roads leading to and from the ſaid River, and all Ferries over the ſame, between the Ford called *Upſetlington Ford* and *Berwick Bridge*, ſhall thenceforth be ſhut up and ſtopped, by building up the Paſſages to the ſaid ſeveral Fords, and the ſaid ſeveral Bye Roads, with Stone and Lime, making Ditches acroſs the ſame, or in ſuch other Way and Manner as ſhall appear to the ſaid Truſtees moſt effectual for anſwering that Purpoſe; and it ſhall not be lawful after the Time aforeſaid for any Perſon or Perſons, Carriage, Horſe, or Cattle, to paſs through, acroſs, or over the ſaid River at any Place ſituate between *Upſetlington Ford* and *Berwick Bridge* aforeſaid (except along the ſaid Bridge at or near *New Water Ford*): And alſo that as ſoon as the ſaid Bridge directed to be built acroſs the ſaid River at or near *Norham* ſhall be erected and made paſſable, the Bye Road leading from *Upſetlington* to the ſaid River *Tweed*, and acroſs the ſame, and alſo the Bye Road leading from the Road at or near *Lennel Hill* to the ſaid River

River *Tweed*, and acroſs the ſame, and all other Bye Roads leading to and acroſs the ſaid River between the Bridge called *Coldſtream Bridge*, and the ſaid Ford called *New Water Ford*, ſhall thenceforth be ſhut up and ſtopped in ſuch Manner as aforeſaid; and it ſhall not thereafter be lawful for any Perſon or Perſons with or without any Horſe, Cattle, Beaſt, or Carriage, to paſs through, acroſs, or over the ſaid River at any Place ſituate between the Bridge called *Coldſtream Bridge*, and the ſaid Ford called *New Water Ford* (except along the ſaid Bridge ſo to be built at or near *Norham*): And alſo that when and as ſoon as both the ſaid Two Bridges herein-before directed to be built ſhall be erected and made paſſable, all Bye Roads leading to and acroſs the River *Tweed*, and all Ferries over the ſame between the ſaid Bridges called *Coldſtream Bridge* and *Berwick Bridge*, ſhall be ſtopped, ſhut up, and diſcontinued, in ſuch Manner as aforeſaid; and that it ſhall not thereafter be lawful for any Perſon or Perſons, with or without any Horſe, Cattle, Beaſt, or Carriage, to paſs through, acroſs, or over the ſaid River *Tweed*, at any Place or Places between the ſaid Bridges called *Coldſtream Bridge* and *Berwick Bridge*, except along the ſaid Bridges hereby directed to be built, or either of them; and if any Perſon or Perſons ſhall, after the reſpective Times aforeſaid, paſs through, acroſs, or over the ſaid River, contrary to the Directions herein-before contained, with or without any Horſe, Cattle, Beaſt, or Carriage, whereby the Payment of any of the ſaid Tolls or any Part thereof ſhall be avoided, or if any Perſon or Perſons ſhall pull down, deſtroy, or fill up any of the Walls or Ditches when ſo made or erected, every Perſon ſo offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds nor leſs than Ten Shillings.

Tolls to be paid but Once in a Day.

XXXV. Provided always, and be it further enacted, That no Perſon who ſhall have paid the Toll by this Act impoſed for paſſing through any of the Turnpikes to be erected as aforeſaid, ſhall be ſubject to the Payment of any Toll for returning through ſuch Turnpike or Turnpikes the ſame Day before Twelve of the Clock at Night with the ſame Cattle, Coach, Waggon, or other Carriage, but ſhall repaſs Toll-free, upon producing to the Collector or Collectors at ſuch Turnpike or Turnpikes reſpectively a Note or Ticket, which the Collector to whom the ſaid Toll ſhall have been paid is hereby required to give *gratis*, upon Receipt of the Toll.

Penalty on Perſons diſpoſing of or uſing Tickets:

XXXVI. And be it further enacted, That if any Perſon ſhall offer or diſpoſe of any ſuch Note or Ticket to any Perſon, in order to evade the Payment of the ſaid Tolls, every Perſon ſo offering or diſpoſing of ſuch Note or Ticket, and the Perſon receiving and making Uſe of the ſame, being thereof convicted on Oath before the ſaid Truſtees, or before any One or more Juſtice or Juſtices of the Peace for the County of *Durham*, or the Town of *Berwick-upon-Tweed* reſpectively, (which Oath any Two or more of the ſaid Truſtees and the ſaid Juſtice or Juſtices is and are hereby empowered to adminiſter), ſhall reſpectively forfeit any Sum not exceeding the Sum of Twenty Shillings, to be recovered and applied as herein-after directed.

Or permitting or uſing private Paſſage.

XXXVII. And be it further enacted, That if any Perſon or Perſons owning or occupying any Lands near to any Turnpike which ſhall be erected

erected in pursuance of this Act, shall permit any Person or Persons to pass through any Gate, Passage, Inclosure, or private Way, with any Coach, Waggon, or other Carriage, Horse, or other Cattle, or if any Person or Persons shall pass through any such Gate, Passage, Inclosure, or private Way, with any Cattle or Carriage as aforesaid, whereby the Payment of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall take off, or cause to be taken off, any Horse or other Cattle from any Coach, Waggon, or other Carriage, with an Intent to avoid paying any of the said Tolls, or shall leave or cause to be left in any House or Place any Cattle or Carriage with such Intent as aforesaid, every Person so offending in any of the said Cases, and being thereof convicted in Manner before prescribed by this Act, shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Twenty Shillings, to be recovered and applied as herein-after is directed.

For taking off Horses to avoid the Toll:

Or assaulting Collectors, or forcibly passing through the Turnpike without paying Toll.

XXXVIII. And be it further enacted, That if any Person shall assault any Collector of the Tolls by this Act imposed (such Collector being in the Execution of his Office), or by Force pass through any Turnpike without paying the said Tolls, every Person so offending, and being thereof convicted upon Oath before any One or more Justice or Justices of the Peace for the said County or Town respectively, shall for every such Offence forfeit any Sum not exceeding Five Pounds, to be recovered as herein-after is directed.

Exemptions from Toll.

XXXIX. Provided always, and be it further enacted, That no Toll shall be demanded or taken for any Cattle or Carriage passing through any of the Turnpikes erected or to be erected by virtue of this Act, loaden only with Stones, Bricks, Lime, Timber, Wood, Gravel, or other Materials for making the said Roads or Bridges, or for amending any of the Highways in the Parishes or Townships in which the Roads directed to be repaired by this Act do lie, or for any Carriages going empty for or returning loaden with Lime, Dung, Soot, Mould, or other such like Compost, for manuring of any Lands or Gardens (except Lime passing along the said Bridges, or either of them, which it is hereby declared shall be liable to Toll); nor shall any Toll be demanded or taken by virtue of this Act for any Carts, Wains, Waggons, or other Carriages carrying Hay or Corn in the Straw, Turnips or Potatoes, or for any Ploughs, Harrows, or other Implements of Husbandry; nor shall any of the Tolls aforesaid be demanded or taken of or from any Person or Persons residing in any of the said Parishes, Townships, or Hamlets, who shall pass through the said Turnpikes to and from Church, Chapel, or other Place of religious Worship on *Sunday*, or who shall attend the Funeral of any Person or Persons who shall die and be interred in any of the said Parishes; or for any Cattle belonging to the Inhabitants of such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near to the said Roads, which shall be only going to or returning from Pasture or Watering Places; or for any Post Horses carrying the Mails of Letters or Express under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; nor shall any Toll be demanded or taken for the Horses of Soldiers upon their March, or for Cattle or Carriages attending them or laden with their Arms or Baggage; or for Horses or

Carriages

Carriages travelling with Vagrants ſent by legal Paſſes; nor ſhall any Toll be demanded or taken of or from any Perſon or Perſons who ſhall be going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid County of *Durham*, during the Time of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay any Sum not exceeding Five Pounds nor leſs than Twenty Shillings, to be recovered as hereinafter mentioned.

Truſtees to borrow Money by Aſſignment of the Tolls.

XL. And foraſmuch as the Money to be collected by the Receipt of the reſpective Tolls and Duties by this Act made payable will not be ſufficient for the reſpective Purpoſes herein mentioned, be it enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, and they are hereby empowered from Time to Time, by any Writing under their Hands and Seals, to mortgage the ſaid reſpective Tolls, or any Part thereof, and the Toll Houſes for collecting the ſame (the Coſts and Charges of mortgaging the ſame to be borne and paid out of ſuch Tolls), for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees who ſhall advance and lend the ſame, to ſecure the Repayment thereof, with ſuch Intereſt as ſhall be agreed upon, not exceeding legal Intereſt; which ſaid Money ſo to be borrowed ſhall be applied and diſpoſed of in ſuch Manner as the ſaid reſpective Tolls which ſhall be aſſigned for the ſecuring of the ſaid Money ſo to be borrowed are by this Act reſpectively directed to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever; and that every ſuch Mortgage may be in the Form following, or in ſuch other Form as the ſaid Truſtees making the ſame ſhall think proper:

Form of Mortgage.

'BY virtue of an Act, made in the Forty-ſecond Year of the Reign of His Majeſty King *George* the Third, intituled [*here inſert the Title of this Act*], We of the Truſtees for executing the ſaid Act, in Conſideration of the Sum of to the Treaſurer to the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his Executors, Adminiſtrators, and Aſſigns, ſuch Proportions of the Tolls to be collected at [*here ſpecify the Turnpikes*], as the ſaid Sum of doth or ſhall bear to the whole Sum due and owing on the Credit thereof; to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum*, ſhall be ſooner paid and ſatisfied.'

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks, Treaſurer or Treaſurers to the ſaid Truſtees; which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be peruſed and inſpected by the ſaid Truſtees, or any of them, or any of the Mortgagees, or any Perſon or Perſons on their Behalf, without Fee or Reward; and every Perſon to whom any Mortgage

gage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time transfer his or her Right, Title, Intereſt, or Benefit to or in the ſaid Mortgage, and the Principal and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever, by Indorſement on the Back of ſuch Security, or by any other Writing under his or her Hand, arteſted by One credible Witneſs, in the following Words, or Words to the like Effect; (*videlicet*),

Form of Transfer.

'I DO transfer this Mortgage [*or*, a certain Mortgage, *deſcribing it, as the Caſe may be*], with all my Right and Title to the Principal 'Money thereby ſecured, and all Intereſt due and to grow due for the 'ſame, unto Executors, Adminiſtrators, and Aſſigns. Dated this Day of

'*A. B.*'

And every ſuch Transfer ſhall be produced and notified to the ſaid Clerk or Clerks, Treaſurer or Treaſurers, within Three Months after the Date thereof, who ſhall cauſe an Entry or Memorial to be made of each Tranſfer in the before mentioned Book or Books, containing the Number, Date, Names of the Parties, and Sum of Money therein transferred, for which the ſaid Clerk or Clerks, Treaſurer or Treaſurers ſhall be paid ſuch Sum as the ſaid Truſtees ſhall appoint, not exceeding the Sum of Five Shillings; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons (except ſuch to whom the ſame ſhall be laſt transferred), to make void, releaſe, or diſcharge, the original Security or Securities, or the Monies thereby due, or any Part thereof; and all Perſons to whom any Mortgage or Transfer ſhall be made by virtue of this Act, ſhall be in Proportion to the Sum or Sums of Money therein mentioned Creditors on the Tolls by this Act granted, in equal Degree One with another, and ſhall have no Preference in reſpect of the Priority of the Time of advancing any Sum or Sums of Money on ſuch Mortgages or Mortgage, or of the Dates thereof reſpectively.

Notice to be given of borrowing Money.

XLI. Provided always, and it is hereby declared, That no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the ſaid Tolls, or any of them, after their Firſt Meeting, unleſs Notice in Writing under the Hand of the Clerk to the ſaid Truſtees be for that Purpoſe affixed upon all the Turnpike Gates erected by virtue of this Act, at leaſt Fourteen Days before the borrowing of ſuch Money.

Turnpikes and Toll Houſes veſted in Truſtees.

XLII. And be it further enacted, That the Right and Property of all and every the Turnpikes and Toll Houſes which now are or ſhall be erected, ſet up, or provided by virtue of this Act, ſhall be veſted in the ſaid Truſtees and their Succeſſors, and they or any Three or more of them are hereby empowered to diſpoſe thereof as they ſhall think proper, or to bring Suits or Actions, or prefer Bills of Indictment in their Names or in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers, or any One or more of them, againſt any Perſon or Perſons who ſhall ſteal, take away, break down, or ſpoil ſuch Turnpikes, or pull down, deſtroy, or otherwiſe damage ſuch Toll Houſes, or any of them, ſo erected, ſet up, or provided as aforeſaid.

XLIII. And

Trustees empowered to lessen the Tolls, and raise them again;

XLIII. And be it further enacted, That the said Trustees at any Meeting to be held for that Purpose, whereof Ten Days Notice shall be affixed on all the Turnpikes erected or to be erected by virtue of this Act, may and they are hereby empowered from Time to Time to reduce all or any of the Tolls hereby granted, and to order such Tolls so reduced to be collected and received in such Manner, Parts, and Proportions as they shall think fit, and to raise the same again, or any Part thereof, so as the same do not exceed the respective Tolls herein-before granted.

and lease the same.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them present at the First or any subsequent Meeting of the said Trustees, from Time to Time, by any Writing under their Hands, or under their Hands and Seals, to demise, lease, and to farm let the Tolls and Duties by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take to farm the same from Year to Year, or for any Term not exceeding Seven Years, for the best Price such Trustees can get, payable to the said Trustees, or to such Person or Persons as the said Trustees shall appoint to receive the same, at such Times, and under such Covenants as the said Trustees shall think fit, which Money so to be paid shall be applied and disposed of as the Tolls or Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and such Lease or Leases to be made as aforesaid shall be entered at Length in the Book or Books to be kept by the said Trustees, or their Clerk or Clerks, for the Entry of their respective Orders and other Proceedings in the Execution of this Act.

Surveyors to dig Materials for repairing the Roads out of any Common Waste,

XLV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or any other Materials (except Lime Stone), for repairing the said Road out of any Quarry or Brook, or out of or from the Waste, Ballast, Heap, or Common of or in any Parish, Town, Village, or Hamlet in the said County of *Durham*, and Liberties of *Berwick* respectively; and for Want of a sufficient Quantity of such Materials there, to dig, gather, take, and carry away the same out of any Brook, Waste, Ballast, Heap, or Common of any neighbouring Parish, Town, Village, or Hamlet in any other County or Counties, without paying any Thing for the same, such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits where any such Materials as aforesaid shall be dug, gathered, or taken, and from whence the same shall be carried away; and where there is not a sufficient Quantity of such Materials in any such Brooks, Commons, or Wastes as aforesaid, it shall be lawful for such Surveyor or Surveyors, by Order of the said Trustees, to dig and gather such Materials in, and carry the same out of the Grounds of any Person or Persons (not being a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees), where such Materials may be found, paying such Rates for the same, and for the Damage done to the Owners or Occupiers of the Grounds from whence the same shall be dug, gathered, and taken, or over which the same shall be carried, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees, concerning the Rates for such Materials, or

or out of private Grounds, making Satisfaction for Damages.

touching ſuch Damages as aforeſaid, the Juſtices of the Peace at the next General Quarter Seſſions to be holden in and for the County or Town where ſuch Difference ſhall ariſe, or the major Part of them then preſent, ſhall and may adjudge, aſſeſs, and finally determine the ſame.

Surveyors to remove Annoyances.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint (by the Direction of the ſaid Truſtees under their Hands), from Time to Time, to remove and prevent all Annoyances upon any Part of the Roads aforeſaid, by Filth, Dung, Rubbiſh, Aſhes, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains, running into, along, or out of the ſaid Roads to the Prejudice thereof, and to cleanſe, open, ſcour, drain, deepen, or enlarge any Ditch or Watercourſe adjoining to the ſaid Roads, and to cut down, lop, or top any Trees (Timber Trees excepted), or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, and to take and carry away the ſame (the Owners or Occupiers of the Premiſes where ſuch Annoyances as aforeſaid ſhall happen to be neglecting to remove the ſame), and to cut down ſuch Trees or Buſhes, or to remove ſuch other Annoyances, for the Space of Fourteen Days next after Notice in Writing given for that Purpoſe under the Hands of the ſaid Truſtees (the Charges whereof ſhall be reimburſed to the Surveyor or Surveyors by ſuch Owners or Occupiers neglecting to cut down ſuch Trees or Buſhes, or to remove ſuch Annoyances as aforeſaid; and if after Removal of the ſaid Annoyances any Perſon or Perſons ſhall again offend in the like Kind, every Perſon ſo offending, and being thereof convicted upon Oath before One or more Juſtice or Juſtices of the Peace for the County of *Durham*, or Town of *Berwick* reſpectively, where the Offence ſhall be committed, ſhall for every ſuch Offence forfeit unto the ſaid Truſtees any Sum not exceeding Twenty Shillings, to be recovered, levied, and applied as hereinafter is directed.

Penalty for a Second Offence.

Surveyors to make Cauſeways, *etc.*

XLVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, by Order of the ſaid Truſtees, to make or cauſe to be made Cauſeways, and to cut and make Drains through any Grounds lying contiguous to the ſaid Roads, and to make and erect Arches and Bridges of Brick, Timber, or Stone upon the ſaid Roads, and alſo to cauſe Ditches or Trenches to be made in ſuch Manner as ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, ſhall judge neceſſary for the better amending and keeping in good Repair the Roads aforeſaid, making ſuch reaſonable Satisfaction to the Owners or Occupiers of ſuch Ground reſpectively as ſhall be ſo laid into the ſaid Roads, or through which any ſuch Ditch or Drain ſhall be cut, or on which any ſuch Arch or Arches, Bridge or Bridges, ſhall be made or erected, for the Damages which ſuch Owners or Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged by the ſaid Truſtees; and in caſe any Difference ſhall ariſe between ſuch Owners or Occupiers and the ſaid Truſtees touching ſuch Damages, that then it ſhall be lawful to and for the Juſtices of the Peace, at their next General Quarter Seſſions, to be holden for the ſaid County of *Durham*, or Town of *Berwick*, where ſuch Grounds ſhall reſpectively lie, or the major Part of ſuch Juſtices then preſent, to hear, ſettle, adjudge, and finally determine the ſame; and if any Owner or Owners, Occupier or Occupiers of any Watercourſe

or

or Watercourſes, Ditch or Ditches, adjoining to the ſaid Roads, ſhall neglect or refuſe to ſcour and cleanſe ſuch Watercourſe or Watercourſes, or to make ſuch Ditch or Ditches ſo deep, and in ſuch Manner as the ſaid Surveyor or Surveyors ſhall from Time to Time judge proper and convenient, after Fourteen Days Notice ſhall be given for that Purpoſe, to ſuch Owner or Owners, Occupier or Occupiers reſpectively, by ſuch Surveyor or Surveyors, or ſuch Perſon or Perſons as he or they ſhall appoint, it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors to ſet any Man or Men at work to ſcour and cleanſe ſuch Watercourſe or Watercourſes, Ditch or Ditches, and by Warrant from the ſaid Truſtees for the Time being to levy the Charge thereof upon the Owner or Owners, Occupier or Occupiers of ſuch Watercourſe or Watercourſes, Ditch or Ditches, by Diſtreſs and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any be), after all Charges of ſuch Diſtreſs and Sale ſhall be thereout deducted, to the ſaid Owner or Owners, Occupier or Occupiers, when demanded.

Charges of cleanſing Watercourſes, *etc.* to be levied by Diſtreſs upon the Owners or Occupiers making Default.

XLVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Surveyor or Surveyors, by Order of the ſaid Truſtees, to make or cauſe to be made a Road or Way through, over, or along any Grounds adjoining to any narrow or ruinous Parts of the ſaid Roads hereby intended to be repaired, (not being the Ground whereon any Houſe or Buildings ſtand, or an Orchard, Garden, Yard, Park, or planted Walk or Walks, or Avenue to any Houſe, or any Piece or Parcel of incloſed Ground, planted, ſet apart, and uſed as a Plantation or Nurſery for Trees), to be made uſe of by all Paſſengers with Horſes, Coaches, Carriages, or otherwiſe, as a publick Highway, whilſt the old, narrow, and ruinous Road is repairing, and until ſuch Time as it ſhall be convenient and ſafe for Paſſengers and Carriages to travel along the ſaid Roads intended to be repaired, and no longer, making Satisfaction to the Owner or Occupier of the Grounds reſpectively through, over, or along which any ſuch temporary Road or Roads ſhall be made, for the Damages ſuch Owner or Occupier ſhall or may ſuſtain thereby, as ſhall be adjudged reaſonable by the ſaid Truſtees; and in caſe of any Difference between ſuch Owner or Occupier and the ſaid Truſtees touching ſuch Damages, that then it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, or the major Part of them, aſſembled at the then next Quarter Seſſions, or their Second Quarter Seſſions at the fartheſt, to be holden for the ſaid County of *Durham*, or Town of *Berwick*, where ſuch Grounds ſhall lie reſpectively, and they are hereby required to ſettle, adjudge, and finally determine the ſame.

Surveyors by Order of Truſtees to make a temporary Road; making Satisfaction for Damages.

XLIX. And be it further enacted, That if the ſaid Truſtees think it neceſſary to turn, alter, or widen any Part or Parts of the ſaid Roads, or to turn or lead any Part or Parts thereof another Way, or any other Ways, then it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time to contract with any Perſon or Perſons for the Purchaſe or Exchange of any Lands or Hereditaments lying by the Side or Sides of, or near to any Part or Parts of the ſaid Roads (provided that ſuch Part or Parts of the ſaid Roads as ſhall be ſo widened, turned, or altered, be not thereby made wider than the Breadth of Sixty Feet, including the Ditches), and to pay for the ſame Lands reſpectively by and out of the Tolls and other Monies to ariſe by

Truſtees may widen or alter Roads.

virtue of this Act; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Huſbands, Executors, Adminiſtrators, Guardians, Committees, and other Truſtees, and all Femes Covert, and all other Perſons whomſoever, may and are hereby enabled to contract and agree with the ſaid Truſtees for the abſolute Sale or Exchange of ſuch Lands or Hereditaments, and of their reſpective Eſtates and Intereſts therein, and may, and are hereby enabled to convey ſuch Lands to the ſame Truſtees, or to permit them to take and uſe the ſame for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances that ſhall be ſo made as aforeſaid, ſhall be valid and binding againſt and to all Perſons, and to all Intents and Purpoſes whatſoever.

Recompence to be ſettled by a Jury.

L. And be it further enacted, That if any Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee in Truſt, Huſband, Executor, Adminiſtrator, Guardian, Committee, Truſtee, or other Perſon or Perſons whatſoever, entitled to or intereſted in any Lands or Hereditaments which the ſaid Truſtees ſhall think neceſſary to be purchaſed for the widening, turning, or altering any Part of the ſaid Roads, ſhall upon Application to them, or either of them, for that Purpoſe made, refuſe or neglect to treat with ſuch Truſtees for the Sale of ſuch Lands or Hereditaments, or for any Loſs or Damage to be by them ſuſtained in conſequence of the Execution of this Act, or if by Reaſon of their or any of their Abſence or diſtant Reſidence from the Lands intended to be purchaſed, he or they cannot conveniently be applied to or treated with for that Purpoſe, or if treating, he, ſhe, or they ſhall not agree with the ſaid Truſtees for the Prices of ſuch Lands, then and in either of ſuch Caſes the ſaid Truſtees may and are hereby empowered, by a Warrant or Warrants, Precept or Precepts under their Hands and Seals, to command the Sheriff of the County, or his Deputy, or the Coroner of the Borough in which or in the Liberties of which ſuch Lands lie, to impannel, ſummon, and return a Jury of Twenty-four honeſt and diſintereſted Men of the ſaid County or Borough, to be and appear before the ſaid Truſtees at a certain Time and Place within ſuch County or Borough, to be ſpecified in the ſaid Warrant or Warrants, Precept or Precepts, the ſaid Time being at leaſt Ten entire Days next after the Date and Delivery of the ſaid Warrant or Warrants, Precept or Precepts, reſpectively to the ſaid Sheriff or his Deputy, or to the ſaid Coroner, then and there to aſſeſs and aſcertain the Price and Value of the Lands intended or neceſſary to be purchaſed, and the ſaid Sheriff or his Deputy, and the ſaid Coroner, is and are hereby required to impannel, ſummon, and return the ſaid Jury accordingly, giving to each Juryman Four Days Notice of the Time and Place of his Attendance; and the ſaid Truſtees are hereby empowered to ſummon Witneſſes, and ſuch Jury and Witneſſes are hereby required to attend accordingly; and the ſaid Truſtees having cauſed Ten Days Notice in Writing, under their Hands, to be given to the Perſon or Perſons entitled to the ſaid Lands and Hereditaments intended to be purchaſed, or to be left at their laſt or uſual Place or Places of Abode, or at the Place or Places of Abode of the reſpective Tenant or Tenants in Poſſeſſion of ſuch Lands, thereby ſetting forth the Nature, Situation, and Quantity of ſuch Lands and Hereditaments, and the Time when and the Place where the ſaid Jury are to meet to aſſeſs and aſcertain the Value thereof, they the ſaid Truſtees may proceed to enquire, by Twelve

Twelve of the ſaid Jurors, on their Oaths, of the Value of ſuch Lands and Hereditaments; and in Default of a ſufficient Number of Jurors, the Sheriff or his Deputy, or the ſaid Coroner, ſhall return other like Perſons of the Byeſtanders, or that may be conveniently had for the Service, and to which Jurors all Parties intereſted ſhall have their lawful Challenge; and the ſaid Truſtees having given the Nature of the Enquiry in Charge to the ſaid Jury that ſhall be ſworn, may and are hereby empowered to examine all proper Perſons, on their Oaths, concerning the Nature and Value of the ſaid Lands or Hereditaments, and if needful or requiſite to cauſe the Jury ſworn to view the ſaid Lands or Hereditaments, and to take ſuch other Meaſures to inform themſelves and the Jury ſworn concerning the Nature and Value of the ſaid Lands or Hereditaments as they ſhall think proper; and the ſaid Jury being ſo informed, ſhall by their Verdict aſſeſs and aſcertain the Value of the reſpective Lands that ſhall have been given them in Charge to enquire of; and the ſaid Truſtees preſent at the taking of ſuch Inqueſts, ſhall thereupon adjudge the Sum of Money aſſeſſed by the ſaid Juries, as the Value of the Lands or Hereditaments, to be paid to the Perſon or Perſons entitled to the ſame Lands or Hereditaments; and ſuch Findings of the Juries, and Judgements of the ſaid Truſtees, ſhall be finally binding and concluſive to all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate and Sole, and all Feoffees in Truſt, Huſbands, Executors, Adminiſtrators, Guardians, Committees, and other Truſtees, and to all Femes Covert, and all Perſons whomſoever anyways intereſted in the ſaid Lands, or any Part thereof; and if any ſuch Sheriff or his Deputy, or the ſaid Coroner, ſhall refuſe or neglect duly to obey any Warrant or Precept of the ſaid Truſtees, or to do any Act or Matter of his or their Office relating to the Premiſes, or if any Juror ſo ſummoned as aforeſaid ſhall not appear, or appearing ſhall refuſe to be ſworn, or if ſworn ſhall not find his Verdict concerning the Matters that ſhall have been given him in Charge, or if any Witneſs being ſent for or ſummoned to appear and give Evidence to the ſaid Truſtees and Juries ſhall not appear, or if appearing ſhall refuſe to be ſworn, and thereupon to give his Evidence concerning the Matters aforeſaid, every ſuch Sheriff, Deputy, Coroner, Juror, and Witneſs, ſhall, for every ſuch Refuſal, Neglect, or Offence, forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Forty Shillings.

Conveyances of Lands to be entered in a Book.

LI. And be it further enacted, That all Conveyances of Lands or Hereditaments to be purchaſed as aforeſaid, and Memorials of all the Verdicts of Juries and Judgements of the Truſtees concerning the Value thereof, which ſhall be aſcertained by Juries, ſhall be entered in ſome Book or Books of the ſaid Truſtees; and that after the Execution of ſuch Conveyances, and giving ſuch Judgements of the ſaid Truſtees, and after Payment or Tender of the Conſideration Monies mentioned in ſuch Conveyances, or of the Monies aſſeſſed to be the Value of any Lands, the Value whereof ſhall be aſſeſſed or aſcertained by any Jury or Juries to the Perſon or Perſons entitled to the ſame, or in caſe of Want of Opportunity to tender, or of Refuſal to accept the ſaid Monies when tendered, then on leaving the ſame with the Clerk of the Peace of the County or his Deputy, or the Town Clerk of the Borough in which or in the Liberties of which ſuch Lands or Hereditaments lie, or his Deputy, for the Uſe or Uſes of the Perſon or Perſons entitled thereto, it ſhall be lawful for the ſaid Truſtees to enter upon the ſaid Lands or Hereditaments,

and the ſame to add to or turn into a Highway, and the ſaid Lands or Hereditaments ſhall from thenceforth for ever afterwards be deemed, taken, and uſed as a publick Highway or publick Highways, to all Intents and Purpoſes; and after any ſuch new Road ſhall be completed, the Lands or Hereditaments conſtituting the former Road, unleſs the ſame leads to ſome Village, Town, or Place, or private Lands to which ſuch new Road doth not lead, ſhall be and are hereby veſted in, and may be exchanged or ſold, and conveyed by the ſaid Truſtees for the beſt Price that can be got for the ſame; and the Money ariſing by ſuch Sale ſhall be applied in ſuch Manner as the ſaid Tolls are hereby reſpectively directed to be applied.

By whom Expences of Jury and Witneſſes are to be paid.

LII. And be it further enacted, That in caſe any Jury ſhall give and deliver a Verdict or Aſſeſſment for more Money as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or for any Loſs or Damage to be by them ſuſtained, than ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the ſaid Jury, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees reſpectively out of any Money ariſing by virtue of this Act; and if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall have been agreed to or offered by the ſaid Truſtees before the ſummoning and returning of the ſaid Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes ſhall be borne and paid by the Perſon or Perſons with whom the Truſtees ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice of the Peace for the ſaid County or Borough reſpectively, not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame, at a Time and Place to be by him appointed, after ſummoning the Parties intereſted therein to attend him for that Purpoſe), ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Money ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Truſtees by ſuch Ways and Means as are herein-after provided for recovering of Penalties and Forfeitures.

Powers of Act not to extend to the pulling down Dwelling Houſes.

LIII. Provided always, and be it further enacted, That the Powers and Authorities hereby given ſhall not extend to the pulling down any Part of any Dwelling Houſes or Buildings, or to the taking in any Part of any Curtilage, Garden, Orchard, or Yard adjoining to any Dwelling Houſe, or any Part of any Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a Houſe, erected, made, or uſed as ſuch reſpectively, at the Time of making the Order for diverting ſuch old Road; any Thing herein contained to the contrary notwithſtanding.

LIV. And

Perſons chargeable to the Highways, to continue ſo.

LIV. And be it further enacted, That all and every Perſon and Perſons, who by Law are chargeable towards the amending the ſeveral Roads hereby intended to be repaired, ſhall ſtill remain chargeable, and do their reſpective Duties in the Pariſhes, Townſhips, or Places in which the ſaid Roads do lie, in ſuch Manner as he, ſhe, or they ought to have done before the paſſing of this Act.

Lands chargeable to the Highways, to continue ſo.

LV. Provided always, and be it further enacted, That all Lands, Tenements, or Hereditaments, or any Rents or Profits iſſuing out of any Lands, Tenements, or Hereditaments, which now are or hereafter ſhall be chargeable towards amending the Roads by this Act directed to be repaired, ſhall ſtill remain chargeable, and the Poſſeſſors and Occupiers of ſuch Lands, Tenements, or Hereditaments, Rents or Profits, are hereby required to pay ſuch Sum or Sums of Money as ſhall be chargeable upon ſuch Lands, Tenements, or Hereditaments, Rents or Profits as aforeſaid, to ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them, ſhall appoint to receive the Tolls and Duties granted by this Act; and upon Default of Payment of ſuch Sum or Sums of Money, it ſhall and may be lawful to and for any Five or more of the ſaid Truſtees, under their Hands, or Hands and Seals, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall neglect or refuſe to make ſuch Payments as aforeſaid; and ſuch Sum or Sums of Money, when recovered, ſhall be applied from Time to Time for and towards amending the ſaid Roads, and to no other Uſe or Purpoſe whatſoever.

Juſtices to commute Part of the Statute Work.

LVI. And whereas it would greatly tend to the Improvement and keeping in proper Condition the Roads directed by this Act to be repaired, if the Statute Work performed thereon was wholly or in Part compounded for in Money, inſtead of the ſame being done in Kind; be it further enacted, That, from and after the Twelfth Day of *July* next, it ſhall and may be lawful for any Two or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Durham*, and the Borough of *Berwick-upon-Tweed* reſpectively, at any Special Seſſions, to order and direct the Whole or ſuch Part of the Statute Work as they ſhall adjudge proper to be applied towards the Repairs of the ſaid Roads, to be compounded for in lieu of the ſame being performed in Kind, which ſaid Compoſition ſhall be paid by the Occupiers of ſuch Lands, Tenements, Woods, Tythes, and Hereditaments reſpectively, as are ſituate in the different Pariſhes, Townſhips, or Places in or through which the ſaid Roads do lie, to the Surveyor or Surveyors of the Pariſh, Townſhip, or Place, for the Uſe of ſuch of the Highways therein as are directed by this Act to be repaired; and in Default thereof the ſame ſhall be levied and recovered in ſuch Manner as the Penalties and Forfeitures in the Statute made in the Thirteenth Year of His preſent Majeſty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament the Statutes now in being for the Amendment and Preſervation of the publick Highways within that Part of* Great Britain *called* England, *and for other Purpoſes*, are directed to be recovered.

Penalty for taking away Materials got by Surveyor.

LVII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall take or carry away any Materials which have been dug or gathered

gathered for the Purpoſe of completing or amending the ſaid Roads, or ſhall get or take away any Materials out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Roads, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials for his own Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit for every ſuch Offence any Sum not exceeding Forty Shillings.

Penalties how to be recovered and applied.

LVIII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed (touching which no other Proviſion is herein made), ſhall be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant or Warrants under the Hand or Hands of One or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Durham* or Town of *Berwick* reſpectively, which Warrant or Warrants the ſaid Juſtice or Juſtices is and are hereby empowered and required to iſſue upon the Information of One or more credible Witneſs or Witneſſes upon Oath, which Oath the ſaid Juſtice or Juſtices is and are hereby empowered and required to adminiſter, without Fee or Reward; and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be), to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted), ſhall be applied (if not otherwiſe directed to be applied by this Act), for and towards amending the Road wherein ſuch Penalties and Forfeitures ſhall be incurred.

Perſons aggrieved may appeal to the Quarter Seſſions.

LIX. Provided always, and be it further enacted, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, it ſhall and may be lawful to and for him or her, within the Space of Six Months, to appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be held for the ſaid County of *Durham* or Town of *Berwick* reſpectively, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any ſuch Perſon, and if they ſee Cauſe ſhall and may, by Order of ſuch Seſſions, mitigate at their Diſcretion all or any of the Penalties and Forfeitures inflicted on or incurred by the Party complaining, or vacate and ſet aſide the Conviction, and ſet the Party at Liberty, or otherwiſe may ratify and confirm the ſame, with ſuch Coſts as to the ſaid Juſtices ſhall appear reaſonable; and may levy by their Order or Warrant the Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of any Perſon who ſhall refuſe to pay the ſame, and for Want of ſufficient Diſtreſs may commit the Party to the Common Gaol of the County of *Durham* or Town of *Berwick*, where the Appeal ſhall be heard and determined, for any Time not exceeding Three Months, or until Payment of ſuch Coſts ſhall be made; but the Perſons ſo appealing ſhall, Fourteen Days at leaſt before ſuch Quarter Seſſions, give Notice in Writing to the Treaſurer or Treaſurers for the Time being of the Tolls and Duties granted by this Act of ſuch his or her Intention of bringing or proſecuting ſuch Appeal, and ſhall within Five Days after ſuch Notice given enter into a Recognizance before ſome Juſtice of the Peace for the County of *Durham* or Town of *Berwick*, where the Appeal ſhall be brought,

Notice of Appeal.

and Recognizance to be entered into.

brought, with Two ſufficient Sureties, with Condition to try ſuch Appeal at the Quarter Seſſions of the Peace which ſhall be held for the ſaid County of *Durham* or Town of *Berwick* reſpectively next immediately after ſuch Appeal, and every ſuch Appeal ſhall at the then next General Quarter Seſſions be heard and finally determined.

Proceedings not to be quaſhed for Want of Form, nor removed by *Certiorari*.

LX. Provided alſo, and be it further enacted, That no Order made concerning any of the Matters aforeſaid, or any other Proceeding to be had touching the Conviction of any Offender againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary notwithſtanding.

Juſtices to appoint Perſons to enquire of the Execution of the Act.

LXI. And be it further enacted, That it ſhall and may be lawful for the Juſtices of the Peace of the ſaid County of *Durham* and Town of *Berwick* reſpectively, at any of their General Quarter Seſſions to be holden for the ſaid County or Town reſpectively, after the ſaid Twelfth Day of *July* next after the paſſing of this Act, if they think fit, to appoint One or more fit Perſon or Perſons of the ſaid County or Town, or One of them, to ſurvey the Roads lying in their reſpective Liberties by this Act directed to be amended, and to enquire of and concerning the Application of the Tolls and Duties received in purſuance of this Act; and in caſe the Perſon or Perſons ſo appointed ſhall find any Miſapplication of the Monies collected, levied, or raiſed by virtue of this Act, or any other Abuſes of the Powers and Authorities hereby given, ſuch Perſon or Perſons ſhall thereupon certify the ſame to the ſaid Juſtices of the Peace, at their Quarter Seſſions to be held for the ſaid County of *Durham* or Town of *Berwick* reſpectively, wherein ſuch Abuſes ſhall be committed, and the ſaid Juſtices are hereby empowered and required to hear, examine, and finally determine the ſame, without further or other Appeal; and all ſuch Sum or Sums of Money, or other Satisfaction as the ſaid Juſtices at any of their Quarter Seſſions to be holden as aforeſaid, or the major Part of them then preſent, ſhall think fit to order or direct to be paid or given, ſhall by the Perſon or Perſons making ſuch Miſapplication or committing ſuch Abuſes, and ſo ordered to make Satisfaction as aforeſaid, be paid to the Treaſurer of the ſaid Turnpike or Turnpikes for the Time being, within Ten Days next after ſuch Determination and Demand thereof made; and in Default thereof it ſhall and may be lawful for the ſaid Juſtices, at their next General Quarter Seſſions, or the major Part of them then preſent, by Warrant to levy the ſame by Diſtreſs and Sale of the Offenders Goods, returning the Overplus (if any be), after deducting the Coſts and Charges of ſuch Diſtreſs and Sale, to the Perſon or Perſons ſo neglecting to make ſuch Payment or Satisfaction, and for Want of ſufficient Diſtreſs to be found for that Purpoſe, to commit the Perſon or Perſons to the Common Gaol of the County or Town where the Matter ſhall be enquired into and determined, there to remain without Bail or Mainprize, till Payment and Satisfaction ſhall be made as aforeſaid.

Houſes to be certified, and Offenders to be fined.

No Truſtee to accept of a Place of Profit.

LXII. Provided always, and be it further enacted, That no Perſon appointed or to be appointed a Truſtee for putting this Act in Execution, ſhall have or accept of any Place of Profit ariſing out of or by Reaſon of the

the Tolls or Duties by this Act granted, but every such Person shall be incapable of acting as a Trustee from the Time of his accepting and during the Enjoyment of such Place of Profit.

Roads to be measured, and Mile Stones to be erected.

LXIII. And be it further enacted, That the said Trustees shall cause the said Roads to be measured, and Stones or Posts to be erected in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from any other Place, as to the said Trustees shall seem meet; and if any Person or Persons shall voluntarily or maliciously break any of the said Stones or Posts, or any Part thereof, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, and shall be convicted thereof, either by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said County of *Durham* or Town of *Berwick*, where the Offence shall be committed, every such Person so offending shall forfeit any Sum not exceeding Forty Shillings nor less than Ten Shillings, to be levied by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand or Hand and Seal of the Justice or Justices before whom such Offender shall be convicted, and such Forfeitures shall be applied in repairing the Stones or Posts so broken or defaced, or in supplying others in their Stead, and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the said Roads; and in case the Person so offending and convicted shall have no Goods and Chattels, then it shall and may be lawful to and for any One or more such Justice or Justices, by Warrant under his Hand, or Hand and Seal, to commit such Person to the Common Gaol of the said County of *Durham* or Town of *Berwick-upon-Tweed*, where the Offence shall be committed, for the Space of One Month, and the Person so offending and convicted shall not be discharged until he or she shall have paid the said Penalty, or until the Expiration of the said One Month.

Penalty for defacing them.

Right of the Corporation of *Berwick* to the Tolls of the Bridgs reserved.

LXIV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to lessen, prejudice, or take away the Right of the Mayor, Bailiffs, and Burgesses of the Borough and Corporation of *Berwick-upon-Tweed*, or their Successors, or their Lessee or Lessees, to the Tolls and Duties paid or payable for Cattle, Goods, or any other Thing passing or carried over *Berwick* Bridge or through the Gates of the said Town; but that the said Mayor, Bailiffs, and Burgesses, and their Successors, shall and may have the same Right and Power to take and enjoy the said Tolls as fully and effectually as if this Act had not been made.

LXV. And, for the more easy and speedy Conviction of Offenders against this present Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction and Adjudication to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect:

BE

Form of Conviction.

‘ County or Borough of } BE it remembered, That on the Day of in the
‘ Year of His Majesty's Reign, *A. B.* is convicted before
‘ of His Majesty's Justices of the Peace for the County or Borough of
‘ [*as the Case shall happen*] by virtue of an Act made
‘ in the Forty-second Year of the Reign of His Majesty King *George* the
‘ Third, intituled, [*here set forth the Title of the Act*] [*specifying the*
‘ *Offence, and Time and Place when and where the same was committed, as*
‘ *the Case shall be*] and is hereby adjudged to have forfeited the Sum of
‘ to be applied as the said Act directs. Given
‘ under our Hands [*or* Hands and Seals] the Day and Year aforesaid.

Trustees may sue and be sued in the Name of their Clerk.

LXVI. And be it further enacted, That the said Trustees may sue and be sued in the Name of their Clerk or Clerks for the Time being (in whom the Property of all Implements and Materials provided by the said Trustees for the Use of the said Road and Bridges shall be vested, for the Purpose of any Indictment or Action ordered by the said Trustees); and that no Action which shall be brought or commenced by or against the said Trustees, or any of them, by virtue or on Account of this Act, in the Name of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or by the Act or Default of such Clerk or Clerks, without the Consent of the said Trustees, at a Meeting to be held for that Purpose, but the Clerk or Clerks for the Time being to the said Trustees shall be deemed Plaintiff or Plaintiffs, or Defendant or Defendants in such Action or Actions as the Case may be: Provided always, that every such Clerk or Clerks, by whom or in whose Name or Names any Prosecution, Action, or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and Charges, as by the Event of every such Proceeding he or they shall be put to or become chargeable with by Reason of his or their being so made Plaintiff or Plaintiffs or Defendant or Defendants as aforesaid.

Clerk to be repaid his Expences.

Persons advancing Money to be repaid with Interest.

LXVII. And be it further enacted, That if any Person or Persons shall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, and carrying the same into Execution, every such Person shall be repaid such Money, with lawful Interest for the same, out of the First Money which shall be raised by virtue of the Tolls first herein-before granted, or out of any Money to be borrowed on the Credit thereof.

Limitation of Actions.

LXVIII. And be it further enacted, That if any Action or Suit shall be commenced against any Person for any Thing done in pursuance of this Act, every such Action or Suit shall be brought within Six Months after the Fact committed, and not afterwards, and shall be laid, brought, and tried, either in the said County of *Durham* or Town of *Berwick*, where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue (not guilty), and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear so to be done, or that such Action or Suit shall be brought after the Time limited for bringing

General Issue.

bringing the ſame as aforeſaid, or ſhall be brought in any other County or Place, that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become non-ſuited, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

Treble Coſts.

Commencement and Term of Act.

LXIX. And be it further enacted, That the Term of this Act ſhall commence upon the Day on which the Firſt Meeting of the Truſtees ſhall be held as aforeſaid, and ſhall continue for Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament; and that this Act ſhall be deemed a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame.

Publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1802.