ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. viii.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from *Burtryford*, in the County of *Durham*, to *Alston*, in the County of *Cumberland*, and from *Alston* aforesaid, by the *Dyke*, to *Burnstones* in the County of *Northumberland*. [23d *March* 1815.]

WHEREAS an Act was passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled *An Act for altering, repairing, and widening the Road from* Burtryford, *in the County of* Durham, *to* Alston, *in the County of* Cumberland, *and from* Alston *aforesaid, by the* Dyke, *to* Burnstones, *in the County of* Northumberland: And whereas by virtue of the said recited Act several considerable Sums of Money have been subscribed, borrowed, and raised on the Credit of the Tolls thereby granted, for the Purpose of carrying the said recited Act into Execution; which Money still remains due, and cannot be repaid; nor can the said Road be effectually improved and kept in Repair, unless the Term of the said recited Act be enlarged, the Powers and Provisions thereof amended or altered, and the Tolls increased: 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 the said recited Act of

34 G. 3.

Former Act continued.

of the Thirty-fourth Year of the Reign of His preſent Majeſty, and all and every the Powers, Authorities, Truſts, Proviſions, Directions, Penalties, Forfeitures, Payments, Remedies, Clauſes, Articles, Matters, and Things therein contained, (except ſo far as the ſame are altered or repealed), ſhall be and continue in full Force and Effect, and, together with this preſent Act, ſhall be executed for and during the Term hereinafter granted or mentioned, in as full and ample a Manner, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted in the Body of this Act, but ſubject nevertheleſs to the Amendments, Alterations, Variations, and Additions herein contained; and that this Act, and the additional Term and the Tolls hereby granted, ſhall be and is and are hereby declared to be ſubject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the ſaid recited Act, and of ſuch Sum or Sums of Money as ſhall be borrowed for the Purpoſes of this Act, and of all Intereſt due and to grow due for the ſame reſpectively.

Truſtees Names.

II. And be it further enacted, That *Matthew Atkinſon*, *Thomas Atkinſon* of *Alſton*, *Thomas Atkinſon* of *London*, *Thomas Brown*, *John Brumwell*, *William Burn*, *John Bell* of *Alſton*, *William Bell* of *Wardrew*, *Thomas Bell*, *Robert Bainbridge*, *William Bainbridge*, *George Bainbridge*, *John Burn*, *Thomas Coulthard*, *Robert Carr*, *George Carr* the younger, *John Clementſon*, *George Crawhall*, *Joſeph Dickinſon* the younger of *Dufton*, *James Dickinſon*, *Joſeph Davidſon*, *John Dodd*, *Thomas Dickinſon* of *Spencycroft*, *Joſeph Dickinſon* of *Loveladyſhield*, *John Dickinſon* of *Town Green*, *David Dalton*, *Joſeph Dawſon*, *John Dickinſon* the younger of *Newcaſtle upon Tyne*, *Thomas Dodd* the younger, *John Emerſon*, *Robert Elliot*, *George Elſtob*, *Thomas Emerſon* of *Wearſhead*, *Samuel Richard Fydell*, *Charles Smallwood Featherſtonhaugh*, *Joſeph Forſter*, *Henry Featherſtonhaugh*, *Harry Gill*, *William Greenwell*, *George Hopper*, *John Hall*, *Thomas Hall* of *North Shields*, *Thomas Hutchinſon*, *Robert Hodgſon*, *Brown Hodgſon*, *Iſaac Hornſby*, *Joſeph Hall*, *Joſeph Harriſon*, *Whitfield Harriſon*, *John Harriſon*, *John Little* of *Raiſe Houſe*, *John Little* of *Lee Houſe*, *Joſeph Little*, *Joſeph Little* the younger, *George Little*, *John Leathard*, *Joſeph Lee*, *Peter Maughan*, *Thomas Milburn*, *John Morriſon*, *John Millican*, *John Dover Muſchamp*, *Thomas Pattinſon* of *Melmerby Hall*, *Thomas Pattinſon* of *Alſton*, *John Parker*, *William Parker*, *Nicholas Richardſon*, *John Richardſon*, *Jonathan Robinſon*, *William Richardſon* of *South Shields*, *Edward Routledge*, *Joſeph Salkeld* of *Randal Holme Hall*, *John Smith*, *Joſeph Smith*, *George Smith*, *Robert Stagg*, *Thomas Shaw*, *Cuthbert Shield*, *Joſeph Salkeld* of *Huddleſceugh Mill*, *John Tinniſwood*, *John Teaſdale*, *Ralph Vipond*, *John Vipond* of *Redwing*, *John Vipond* of *Neſt*, *Thomas Vipond*, *Thomas Wailes*, *John Watſon*, *John Watſon* of *Skides*, *Thomas Whitfield*, *Joſeph Walton*, *William Watſon*, *Jonathan Watſon*, *John Wilſon*, *Jacob Wilſon*, *John Bowneſs Wilſon*, *Anthony Wright*, *Utrick Walton*, *Jonathan Walton*, *John Whitfield*, *Thomas Forſter Wallis*, *Edward Whitelock* Clerk, and *William Wilſon*, ſhall be and they are hereby added to and joined with the Truſtees appointed by and named in the ſaid recited Act, for putting the ſaid recited Act and this Act in Execution; and the ſaid Truſtees herein named, and their Succeſſors, (being reſpectively qualified according to the Directions of the ſaid recited Act), ſhall have the like Powers and Authorities to act in the Execution of the ſaid recited Act and this Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed by and named in the ſaid recited Act;

and

and the Truſtees appointed by or named in the ſaid recited Act, and this Act, or any Five or more of them, ſhall have the ſame Power and Authority for electing and appointing new Truſtees from Time to Time, in lieu and ſtead of ſuch of the Truſtees already or hereafter to be appointed who ſhall die or refuſe to act, or become otherwiſe diſqualified, as is authorized for the Choice of new Truſtees in the ſaid recited Act.

Power to appoint additional Truſtees.

III. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of the ſaid recited Act or this Act, to elect any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for the Purpoſes of this Act and the ſaid recited Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authority for executing this Act and the ſaid recited Act, as if they had been hereby nominated and appointed.

Regulations as to Truſtees Meetings.

IV. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe of *Matthew Hetherington*, Innkeeper at *Lowlyer*, near *Alſton*, or at ſome convenient Houſe or Place in the Town of *Alſton*, on the Fourth *Saturday* next after the Day of the Commencement of this Act, and ſhall then proceed to carry the ſaid recited Act and this Act into Execution; and that the ſaid Truſtees ſhall then and from Time to Time afterwards adjourn the Meeting, and meet at ſuch Place upon or near the ſaid Road, and at ſuch Times as the ſaid Truſtees, or any Five or more them, ſhall from Time to Time order and direct, provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months; and if, at any Meeting appointed to be holden by virtue of the ſaid recited Act or of this Act, there ſhall not appear a ſufficient Number of Truſtees to adjourn (Two Truſtees being hereby declared to be ſufficient for the Purpoſe of Adjournment), or in caſe the Truſtees at any Meeting aſſembled ſhall neglect or omit to adjourn, then the Clerk to the ſaid Truſtees ſhall from Time to Time, in either of ſuch Caſes, by Notice to be affixed in Writing upon all the Turnpike Gates which ſhall then be erected in, upon, acroſs, or on the Sides of the ſaid Road, and to be inſerted in One or more of the Newſpapers publiſhed at *Newcaſtle upon Tyne*, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, or at any other Place on or near the ſaid Road, on ſuch Day as ſhall be ſpecified in ſuch Notice, not exceeding Three Calendar Months, nor earlier than Three Weeks after the Day on which ſuch laſt-mentioned Meeting was appointed to have been held as aforeſaid; and in caſe the Clerk to the ſaid Truſtees ſhall refuſe or neglect to give Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for the ſaid Truſtees, although not aſſembled at a Meeting, at any Time or Times after the Space of Ten Days next after the Expiration of Three Calendar Months from the Day on which ſuch laſt-mentioned Meeting was appointed to have been held, by Notice in Writing under their Hands, to be affixed and inſerted in Manner aforeſaid, to appoint the Truſtees to meet at ſome Houſe near the ſaid Road upon the Day Fortnight after the Date of ſuch laſt-mentioned Notice; but no Buſineſs ſhall be proceeded upon by the ſaid Truſtees at any Meeting to be held under the ſaid recited Act and this Act before the

Hour of Ten in the Forenoon, and no Adjournment ſhall be made to, or any Meeting appointed to be held at, any Hour later than Four in the Afternoon of the Day on which ſuch Meeting ſhall be adjourned to or appointed to be held.

Meetings on Emergencies.

V. 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 Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, then and in that Caſe the Clerk to the ſaid Truſtees (upon an Order in Writing ſigned by Three or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch intended earlier Meeting) ſhall forthwith give Notice thereof in the Manner herein-before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time being not leſs than Ten Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly, and all the Orders and Determinations of the ſaid 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; and ſuch Meeting ſhall and may be adjourned or be appointed to be held in ſuch Manner as other Meetings under this Act or the ſaid recited Act are herein-before directed to be adjourned or appointed to be held, notwithſtanding any former Adjournment to the contrary; and every ſuch Adjournment ſhall be conſidered as an Adjournment of the original Meeting under this Act, or the ſaid recited Act.

How Orders of the Truſtees are to be made and revoked.

VI. And be it further enacted, That the ſaid Truſtees, or the Majority of them, at all ſuch Meetings held in purſuance of the ſaid recited Act and of this Act, are hereby empowered to make all neceſſary Orders, Agreements, and Determinations in the Execution of the ſaid recited Act and of this Act, and no ſuch Order, Agreement, or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at a Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by the ſaid recited Act and this Act authorized to make any ſuch Order, Agreement or Determination; and no ſuch Order, Agreement or Determination, ſhall be revoked or altered at any ſubſequent Meeting, unleſs Nine Truſtees or more ſhall be preſent, and a Majority of ſuch Truſtees ſhall concur therein; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Acts of former Truſtees to be valid, although Notices may not have been regularly given.

VII. And whereas it is enacted by the ſaid recited Act, that when and as often as any of the Truſtees thereby named and appointed, or to be elected and appointed in Manner therein-after mentioned, ſhould die or (by Writing under their reſpective Hands) refuſe to act in the Execution of the ſaid recited Act, it ſhould be lawful for the remaining or ſurviving Truſtees from Time to Time to elect and appoint one other fit Perſon to be a Truſtee in the room of every Truſtee dying or refuſing to act as aforeſaid; provided that public Notice of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election was given by the Clerk to be appointed by the ſaid Truſtees as therein-after is mentioned, by affixing the ſame in Writing upon all the Turnpike Gates then erected upon the ſaid Road, and by inſerting ſuch Notice in one or more of the Newſpapers publiſhed at *Newcaſtle upon Tyne*, Twenty Days at leaſt before every ſuch Meeting: And whereas there is reaſon to believe that ſuch Notices

Notices for appointing new Truſtees were not, in ſome Inſtances, regularly given, and that ſome Perſons may have been elected Truſtees without ſuch requiſite Notice having been previouſly given, and who being in other Reſpects duly qualified, and having taken the Oath preſcribed by the ſaid recited Act, may have acted as Truſtees in the Execution thereof, and Doubts may ariſe as to the Legality of the Proceeding when ſuch Perſons have acted as Truſtees; be it therefore further enacted, That all ſuch Proceedings had or done, or to be had or done in Execution of or for the Purpoſes of the ſaid recited Act, ſhall be as good, valid, and effectual in the Law, as they would have been in caſe the Notice required by the ſaid recited Act for the Election of Truſtees had been given according to the Directions of the ſaid recited Act.

Power to remove Toll Gates.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Nine or more of them, and they are hereby empowered from Time to Time, when and ſo often as they ſhall think proper, to cauſe any of the Turnpikes or Toll Gates which are or ſhall be erected in, upon or acroſs, or on the Side or Sides of the ſaid Road by virtue of the ſaid recited Act or this Act, to be removed to and erected in, upon or acroſs, or on the Side or Sides of ſuch other Part or Parts of the ſaid Road as the ſaid Truſtees ſhall from Time to Time order and direct; provided that none of the ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Thirty Days previous Notice of the Intention to remove the ſame ſhall have been given in One or more of the Newſpapers publiſhed at *Newcaſtle upon Tyne* aforeſaid, and alſo affixed in Writing upon all the chief Turnpikes or Toll Gates then ſtanding upon the ſaid Road.

Turnpikes, &c. veſted in Truſtees.

IX. And be it further enacted, That the Right, Intereſt, and Property of all the Toll Houſes, Turnpikes and Gates, and of all Poſts and Rails, and all other Things whatſoever erected or provided or to be erected or provided by virtue of the ſaid recited Act or of this Act, and of the Materials for building and making the ſame reſpectively, ſhall be and are hereby veſted in the ſaid Truſtees, and they, or any Five or more of them, ſhall and may uſe and ſell or otherwiſe diſpoſe thereof, in ſuch Manner, for the Purpoſes of the ſaid recited Act and of this Act, as they ſhall think fit; and the ſaid Truſtees, or any Five or more of them, ſhall and may in their own Names, or in the Name of their Clerk or Treaſurer, bring Actions, and prefer Bills of Indictment againſt, or otherwiſe proſecute any Perſon or Perſons who ſhall dig up, break or pull down, ſteal, take or carry away, ſpoil, deſtroy, injure, or damage any of the Toll Houſes, Turnpike Gates, Mileſtones, Poſts or Rails, which have been or ſhall be built, erected, or provided by virtue of the ſaid recited Act or of this Act, or any of the Materials thereof, or who ſhall do any Act to hinder or obſtruct any Perſon employed by the ſaid Truſtees in the Execution of the ſaid recited Act or of this Act.

Former Tolls repealed.

X. And be it further enacted, That, from and after the paſſing of this Act, the ſeveral Tolls and Duties granted and made payable by the ſaid recited Act ſhall ceaſe and be no longer paid; and that in lieu thereof there ſhall from thenceforth be demanded, received, and taken, at each and every of the Toll Gates, Turnpikes, or Side Gates erected or to be erected or continued, by virtue of the ſaid recited Act or of this Act, the ſeveral Tolls and Duties herein-after mentioned; (that is to ſay),

New Tolls granted.

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

For every Chaiſe or Chair drawn by One Horſe, Mare, or other Beaſt of Draught, the Sum of Sixpence:

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

For every Drove of Oxen, Cows or Neat Cattle, the Sum of Tenpence *per* Score; and ſo in Proportion for any greater or leſs Number:

For every Drove of Calves, Hogs, Goats, Sheep or Lambs, the Sum of Five-pence *per* Score; and ſo in Proportion for any greater or leſs Number:

For every Four-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or more, and rolling a flat or level Surface of that Breadth, or ſo level as to deviate not more than Half an Inch, and drawn by any Number of Horſes, Oxen, or other Beaſts of Draught, the Sum of Four-pence for every Horſe or Mare, and Three-pence for every Ox:

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or more, and rolling a flat or level Surface as aforeſaid, and drawn by any Number of Horſes, Oxen, or other Beaſts of Draught, the Sum of Three-pence for every Horſe or Mare, and Two-pence for every Ox:

For every Four-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth or Gauge than Six Inches, but not leſs than Four Inches, and drawn by any Number of Horſes, Oxen, or other Beaſts of Draught, the Sum of Sixpence for every Horſe or Mare, and Four-pence for every Ox:

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth or Gauge than Six Inches, and not leſs than Four Inches, and drawn by Two or more Horſes, Oxen, or other Beaſts of Draught, the Sum of Five-pence for every Horſe or Mare, and Three-pence for every Ox:

For every the like Carriage drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence:

For every Four-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth or Gauge than Four Inches, and not leſs than Two and an Half Inches, drawn by any Number of Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight-pence for every Horſe or Mare, and Sixpence for every Ox:

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth or Gauge than Four Inches, and not leſs than Two and an Half Inches, and drawn by more than One Horſe, Ox, or other Beaſt of Draught, the Sum of Sixpence for every Horſe or Mare, and Four-pence for every Ox:

For

For every the like Carriage drawn by One Horſe, Mare, Ox, or other Beaſt of Draught, the Sum of Four-pence Halfpenny: And,

For every Two-wheeled Waggon, Wain, Cart, or other Carriage, drawn by more than One Horſe, Mare, Ox, or other Beaſt of Draught, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth than Two and an Half Inches, to pay Double Toll: Double Toll to be taken in certain Caſes.

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriages, drawn by One Horſe, Ox, or other Beaſt of Draught, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth than Two and an Half Inches, the Sum of Sixpence:

Which ſaid reſpective Tolls and Duties in and by this Act granted and made payable ſhall be and they are hereby veſted in the Truſtees for the Time being for carrying the ſaid recited Act and this Act into Execution, and ſhall be received and taken in ſuch Proportions and Manner, and paid, levied, leaſed, mortgaged, applied, diſpoſed of, and aſſigned in ſuch Manner as the Tolls and Duties granted by the ſaid recited Act are thereby authorized and directed to be received, taken, paid, levied, leaſed, mortgaged, applied, diſpoſed of and aſſigned reſpectively (except as by this Act is otherwiſe directed).

XI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, at their ſaid Meeting on the Fourth *Saturday* after the paſſing of this Act, if they think fit, to leſſen or reduce all or any of the Tolls by this Act granted, and to cauſe the ſame to be collected in ſuch Manner, Parts and Proportions, as they ſhall think fit, and afterwards, if they think fit at any ſubſequent Meeting, to raiſe them again to any ſuch Sum or Sums not exceeding the reſpective Tolls hereby granted; and it ſhall alſo be lawful for the ſaid Truſtees, or any Seven or more of them, from Time to Time, and when and as often as they ſhall think proper, with the Conſent of the ſeveral Perſons who for the Time being ſhall be entitled to Five-ſixth Parts of the Money then due on the Security of the Tolls, to leſſen or reduce all or any of the Tolls hereby granted at all or any of the ſaid Toll Gates or Turnpikes, and to cauſe the ſame to be collected in ſuch Manner, Parts and Proportions, as they ſhall think fit, and from Time to Time afterwards to raiſe the ſame again to any Sum or Sums not exceeding the Tolls by this Act granted; but no ſuch Reduction ſhall be made, except at the ſaid Meeting of the ſaid Truſtees on the Fourth *Saturday* after the paſſing of this Act, until after Notice ſhall have been given of the Meeting to be held for that Purpoſe, by Writing affixed upon all the Turnpikes then erected upon the ſaid Road, and by Advertiſement in ſome Newſpaper publiſhed or circulated in the Town of *Newcaſtle upon Tyne*, Twenty-one Days at leaſt before ſuch Meeting. Tolls may be reduced.

XII. And be it further enacted, That upon Payment of any of the ſaid Tolls, the Collector or Receiver ſhall and he is hereby required to deliver, *gratis*, to the Perſon paying ſuch Toll, a Note or Ticket denoting ſuch Payment, and which Notes or Tickets ſhall be provided by the ſaid Truſtees, and there ſhall be printed and ſpecified thereon the Names of the ſeveral or reſpective Gates which ſuch Tickets ſhall free, or which ought Tickets to be printed, &c. and Power to diſtrain for Toll.

ought under the Provisions of this Act to be passed free for One Payment of Toll; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself or themselves, or taking such Assistance as he, she, or they shall think necessary, to seize and distrain any such Horses, or other Cattle or Beasts, or the Bridle, Saddles, Gears, Harness, Accoutrements, or a sufficient Part thereof (except the Bridles or Reins apart from any Horse or Beast); and if such Tolls, and the reasonable Charges of such Distress, shall not be paid within the Space of Four Days after such Distress made, the Person or Persons so distraining shall and may sell the Horse or Horses, Cattle, or other Things so distrained, or a sufficient Part thereof, returning the Overplus (if any), and what shall remain unsold upon Demand, to the Owners thereof, after such Tolls, and the reasonable Charges of making such Distress and keeping and selling the same, shall be deducted and paid; such Charges to be ascertained, in case of Dispute concerning the same, by some Justice of the Peace for the County in which the Cause of Dispute shall arise as herein-after mentioned.

No more than Two Tolls from Burtryford to Burnstones.

XIII. Provided always, and be it further enacted, That no more than Two Tolls shall be demanded or taken from any Person or Persons for passing and repassing the same Day with or driving the same Number of Horses, Cattle, Sheep or Beasts, or with the same Sorts or Kinds of Carriages, through all the Toll Gates or Turnpikes erected or continued or which shall be erected upon the said Road by virtue of this Act; (that is to say), One Toll between *Burtryford* and *Alston*, and One Toll between *Alston* and *Burnstonks*.

Tolls to be paid but Once a Day between Burtryford and Alston.

XIV. And be it further enacted, That all and every Person and Persons passing and repassing the same Day with or driving the same Number of Horses, Cattle, Sheep or Beasts, or with the same Sorts or Kinds of Carriages, through the Toll Gates or Turnpikes erected or continued or to be erected upon that Part of the said Road between *Burtryford* and *Alston*, and having paid the Toll due at the First of the said Toll Gates or Turnpikes through which he, she, or they shall pass, and producing a Note or Ticket denoting the Payment of such Toll, (which Note or Ticket the Collectors of the said Tolls are hereby required to give *gratis* on the Receipt of such Tolls), shall pass and repass during the same Day with or drive the same Number of Horses, Cattle, Sheep or Beasts, or with the same Sorts or Kinds of Carriages, Toll-free, through the succeeding Toll Gates or Turnpikes erected or continued, or to be erected upon that Part of the said Road between *Burtryford* and *Alston*, or on the Sides thereof.

Tolls to be paid but Once between Alston and Burnstones.

XV. And be it further enacted, That all and every Person and Persons passing and repassing the same Day with or driving the same Number of Horses, Cattle, Sheep or Beasts, or with the same Sorts or Kinds of Carriages, through the Toll Gates or Turnpikes erected or continued, or to be erected upon that Part of the said Road between *Alston* and *Burnstones*, and having paid the Toll due at the First of the said Toll Gates or Turnpikes through which he, she, or they shall pass, and producing a Note or Ticket denoting the Payment of such Toll, (which Note or Ticket the Collectors

of the ſaid Tolls are hereby required to give *gratis* on the Receipt of ſuch Tolls), ſhall paſs and repaſs during the ſame Day with or drive the ſame Number of Horſes, Cattle, Sheep or Beaſts, or with the ſame Sorts or Kinds of Carriages, Toll-free, through the ſucceeding Toll Gates or Turnpikes erected or continued, or to be erected upon that Part of the ſaid Road between *Alſton* and *Burnſtones*, or on the Sides thereof.

Tolls to be paid but Once a Day.

XVI. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than Once at any Toll Gate or Turnpike erected or continued, or to be erected by virtue of the ſaid recited Act or this Act, for paſſing or repaſſing at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with or driving the ſame Horſes, Cattle, Beaſts, and Carriages through the ſame Toll Gate or Turnpike; but all and every Perſon and Perſons, after having paid Toll Once as aforeſaid, and producing a Note or Ticket denoting the Payment of ſuch Toll, (which Note or Ticket the Collectors are hereby required to give *gratis* on Receipt of the Tolls), ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts and Carriages, Toll-free during ſuch Day (except as herein mentioned) through the ſame Toll Gate or Turnpike where ſuch Toll was paid.

Diſputes concerning Tolls to be ſettled by a Juſtice.

XVII. And be it further enacted, That in caſe any Diſpute ſhall happen reſpecting the demanding or taking, or the Payment of Toll, or about the Amount of Toll due, or the Charges of keeping any Diſtreſs, ſuch Diſputes ſhall be heard and determined by ſome Juſtice of the Peace for the County in which the Cauſe of Diſpute ſhall ariſe, who, upon Application to him made for that Purpoſe, ſhall examine the Matter upon Oath of the Parties, or other Witneſs or Witneſſes, (which Oath every ſuch Juſtice is hereby authorized and empowered to adminiſter), and determine the Amount of the Tolls due, and other Matters in diſpute between the Parties, and alſo aſſeſs the Charges of ſuch Diſtreſs, Keeping and Sale, and alſo of the Attendance of any Perſon or Perſons for that Purpoſe on ſuch Juſtice, and may alſo award ſuch Coſts to either Party, as ſuch Juſtice ſhall think juſt and reaſonable; and ſuch Juſtice may by his Order or Warrant levy the Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of ſuch Collector or other Perſon, and for want of ſufficient Diſtreſs may commit ſuch Perſon or Perſons to any Priſon or Houſe of Correction within ſuch County, for any Term not exceeding One Calendar Month, or until Payment of ſuch Coſts.

To prevent evading Tolls.

XVIII. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Cattle, Beaſt, or Carriage whatſoever, paſs through any Land or Ground (except the Owner or Occupier of ſuch Land or Ground, or any of his or her Family or Servants) joining to or lying near any Toll Gate or Turnpike erected or continued, or to be erected by virtue of the ſaid recited Act or of this Act, the ſame not being a common Road; or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons (except as aforeſaid) with any Horſe, Cattle, Beaſt or Carriage, to paſs through the ſame, for the Purpoſe of evading the Payment of any of the ſaid Tolls, or any Part or Parts thereof; or if any Perſon or Perſons ſhall give to or receive from any Perſon other than the Collectors of the ſaid Tolls, or forge or counterfeit any Ticket by the

ſaid recited Act or this Act directed to be given by the Collectors of the ſaid Tolls, or ſhall forcibly paſs through any Toll Gate or Turnpike with any Horſe, Cattle, Beaſt or Carriage, without Payment of Toll, or ſhall take off or cauſe to be taken off any Horſe or other Cattle or Beaſt from any Carriage, or ſhall leave or cauſe to be left upon or near to any Part of the ſaid Road, or at or in any Houſe ſituate near the ſame, any Waggon, Wain, Cart or Carriage, Horſe, Cattle or Beaſt, whereby the Payment of any of the ſaid Tolls, or of any Part thereof, ſhall be evaded; or if any Perſon or Perſons ſhall unload or cauſe to be unloaden any Goods, Wares, or Merchandizes from any Waggon, Wain, Cart or Carriage, whereby larger Quantities of ſuch Goods, Wares, or Merchandizes ſhall be carried through any of the ſaid Toll Gates or Turnpikes in one and the ſame Day, than would have been done if ſuch Goods, Wares, or Merchandizes had not been ſo unloaden; or if any Perſon or Perſons, after travelling along any Part of the ſaid Road with any Waggon, Wain, Cart or Carriage, Horſe, Cattle or Beaſt, ſhall turn out of the ſame into any other Road, and afterwards proceed with ſuch Waggon, Wain, Cart or Carriage, Horſe, Cattle or Beaſt, into and upon the ſaid Road by the ſaid recited Act and this Act directed to be repaired, whereby the Payment of any of the ſaid Tolls, or of any Part thereof, ſhall be evaded, every Perſon offending in all or any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on unloading Carriages, &c. to avoid the Payment of Toll.

XIX. And be it further enacted, That if any Lead, Goods, Coals, or other Thing ſhall be unloaden from any Cart or Carriage, and laid down near to any Toll Gate or Turnpike erected or to be erected on the ſaid Road, or upon or near to the Sides of the ſaid Road, or upon any private Grounds adjoining or near thereto, and afterwards be reloaded and led along the ſaid Road, or any Part thereof, with intent to leſſen the Tolls by this Act impoſed, or to avoid the Payment thereof, the Owner or Owners of ſuch Cart or Carriage, or the Driver or Drivers thereof, ſhall forfeit and pay, for the Firſt Offence, any Sum not exceeding Twenty Shillings, and for every ſubſequent Offence not exceeding Forty Shillings.

For preventing Toll Collectors from taking undue Tolls, or miſbehaving.

XX. And be it further enacted, That all and every Toll Collector, being Leſſee of the ſaid Tolls, or appointed either by the ſaid Truſtees, or by any ſuch Leſſee or Leſſees, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, ſhall and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front, or on ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately upon his coming on Duty, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground; and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand or take a greater or leſs Toll from any Perſon than he ſhall be authorized to do by virtue of the Powers of this Act or of the ſaid recited Act, or of the Orders and Reſolutions of the Truſtees made in purſuance thereof, or ſhall demand and take a Toll from any Perſon or Perſons who ſhall be exempt from the Payment thereof, and claim ſuch Exemption, or

ſhall

ſhall refuſe to permit or ſuffer, or ſhall in anyways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame, on having paid the ſaid Tolls, or any of them, or ſhall in anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Toll when demanded, or upon the legal Toll being paid or tendered ſhall unneceſſarily detain or wilfully obſtruct, hinder, or prevent any Paſſenger or Paſſengers from paſſing through any Turnpike or Toll Gate, or ſhall make uſe of any ſcurrilous or abuſive Language to any Truſtee, Treaſurer, Clerk, Surveyor, or other Officer, or any Paſſenger or Paſſengers, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence, as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge; and ſuch Penalty ſhall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Collectors competent Witneſſes.

XXI. And be it further enacted, That in caſe any Diſpute, Suit, Action, Proſecution, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect, or who ſhall farm the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, Action, Proſecution or Litigation, by reaſon of his, her, or their being intereſted in the ſaid Tolls.

Abatements and Exemptions from Toll in former Act repealed.

XXII. And be it further enacted, That from and after the paſſing of this Act all and every the Clauſe and Clauſes of Abatement and Exemption from Tolls contained in the ſaid recited Act, and all and ſingular the Abatements and Exemptions in ſuch Act contained ſhall be and the ſame are hereby repealed, and in lieu thereof the Abatements and Exemptions from Tolls contained in this Act only ſhall be allowed and obſerved.

Exemptions from Toll.

XXIII. And be it further enacted, That from and after the paſſing of this Act no Toll ſhall be demanded or taken for any Horſe, Ox, or other Beaſt, or any Carriage paſſing through any of the Toll Gates or Turnpikes erected or to be erected in, upon, and on the Sides of the ſaid Road, which ſhall be laden with or going empty for or returning empty after having been laden with Stones, Bricks, Lime, Timber, Wood, Gravel, or any other Materials for repairing the ſaid Road; or for the erecting, altering, or repairing of any Bridge or Toll Houſe or Toll Gate on the ſaid Road; or for repairing any of the Highways of the Pariſhes, Townſhips, Diſtricts, or Places in which the ſame Road, or any Part thereof, doth lie; or any Dung, Limeſtones, Lime, Mould, Compoſt, or other Manure for manuring and improving Land; or Hay, Corn in the Straw, Fodder, or other Produce of the Lands and Grounds to be laid up in Houſes, Outhouſes, Barns or Yards, ſuch Hay, Corn in the Straw, Fodder or other Produce, not being bought or ſold; or any Ploughs, Harrows, or other Implements ſolely employed in Huſbandry; or for any Carriage which ſhall be laden with or going empty for or returning empty after having been laden with Stones, Wood, Underwood, or any other Materials for making or repairing any Fences, Hedges, or Drains for improving Land; nor ſhall any of the Tolls or Duties hereby granted be demanded or taken from any Perſon or Perſons reſiding in the ſaid

Pariſhes, Townſhips, Diſtricts or Places, who ſhall paſs through any of the ſaid Turnpikes or Toll Gates to or from Church, Chapel, or any other Place of Religious Worſhip, on *Sundays* or Holidays, in the Pariſh, Townſhip, Diſtrict, or Place where ſuch Perſon ſhall reſide, or when attending the Funeral or Funerals of any Perſon or Perſons who ſhall die or be buried in any of the Pariſhes in which the ſaid Road lies; nor from the Rectors or Vicars for the Time being of the ſeveral Pariſhes of *Stanhope*, *Alſton*, *Kirkhaugh* or *Knarſdale*, or their reſpective Curates, when going to viſit or returning from viſiting any ſick Perſon, or upon any other his or their Parochial or Miniſterial Duty, in their reſpective Pariſhes, but not otherwiſe; nor for any Horſes, Mares, Geldings, or Cattle going to or returning from Work in cultivating the Lands or Grounds within ſuch Pariſhes, Townſhips, Diſtricts or Places, or going to or returning from Paſture or Watering Places, (provided that ſuch laſt-mentioned Exemption ſhall only extend to ſuch Cattle as ſhall be driven to or from Water or Paſture from one Pariſh to the next adjoining Pariſh, or to ſuch Cattle as ſhall not paſs upon the ſaid Road more than the Diſtance of Two Miles in going to or returning from Water or Paſture); nor for any Cattle on being driven from one Farm to another Farm, both occupied by the ſame Perſon and laying within the ſame Pariſh, ſuch Cattle being the Property of ſuch Occupant, and uſed for ſtocking the ſaid Farms; nor for any Horſes or Carriage which ſhall be employed in conveying any Mails or Expreſſes made up under the Authority or Direction of His Majeſty's Poſtmaſter General or his Deputies, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame; nor for or in reſpect of any Horſes belonging to Officers or Soldiers upon their March or on Duty, nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or conveying any wounded, ſick, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; or for any Horſe, Mare or Gelding, furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, Inſpection or Review, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively, at the Time of claiming ſuch Exemption; nor for any Horſes, Carts or Carriages, employed in carrying or conveying Vagrants ſent by legal Paſſes; nor for the Horſes or Carriages of any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the reſpective Counties of *Durham*, *Cumberland* or *Northumberland*; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

Exempting Carriages conveying

XXIV. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided

provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject or liable to any Penalty or Forfeiture for Overweight; nor shall any Waggon, Wain, Cart, or other Carriage, or the Horse or Horses, Oxen, or other Beast drawing the same, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage, while so employed; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Act or this Act contained, to the contrary notwithstanding. Military Stores from Penalties for Overweight, &c.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree, for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Parishes, Townships or Places, to or through which the said Road leads, and with all or any of the Inhabitants of the neighbouring Parishes, Townships, or Places, for the Passage of their Horses, Cattle or Carriages, (of whatever Breadth the Fellies of the Wheels such Carriages may be, any Act or Acts of Parliament to the contrary thereof notwithstanding), through all or any of the Toll Gates or Turnpikes erected or to be erected by virtue of the said recited Act or this Act, upon the said Road or on the Sides thereof; which Composition Money shall be paid in advance, quarterly or otherwise, and in default thereof the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void, and all such Composition Money shall be paid and applied in such Manner as the Tolls are by the said recited Act and this Act directed to be paid and applied. Trustees may compound for Tolls.

XXVI. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements or Hereditaments, to be purchased, taken, or used by virtue of the Powers of the said recited Act or this Act, which shall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Ideot, Lunatic, Feme Covert, or other *Cestuique* Trust, or to any Person or Persons whose Lands, Tenements or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there *ex parte* the Trustees for executing the said recited Act and 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 Lands, Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements or Hereditaments, or affecting other Lands, Tenements or Hereditaments, standing Application of Compensation if amounting to 200l.

ſettled therewith, to the ſame or the like Uſes, Truſts, Intents or Purpoſes, as the ſaid High Court of Chancery ſhall authorize to be purchaſed or paid, or ſuch Part thereof as ſhall be neceſſary; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under and with the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements or Hereditaments, which ſhall be conveyed, limited and ſettled, to, for, and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands, Tenements 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 or capable of taking Effect; and in the mean Time, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid High 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 or Intereſt 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, Tenements, or Hereditaments ſo to be purchaſed, in caſe ſuch Purchaſe or Settlement was made.

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

XXVII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements or Hereditaments, to be 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 or amount to 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, Tenements, or Hereditaments ſo purchaſed, taken or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, 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 Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing the ſaid recited Act and 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 and Produce ariſing thereon and therefrom, may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Where under 20*l.*

XXVIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next herein-before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall

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 Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of the ſaid recited Act or this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think fit; or in caſe of Infancy, Idiotcy, Lunacy, or other Incapacity, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Truſtee or Truſtees, to and for the Uſe and Benefit of ſuch Perſon or Perſons reſpectively entitled thereto.

In caſe of not making out a good Title, or Perſons cannot be found, the Purchaſe Money to be paid into the Bank, ſubject to the Order of the Court of Chancery on Petition.

XXIX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed under or by virtue of the Powers of the ſaid recited Act or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Truſtees, or any Five or more of them; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or other Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid 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 there, to the Credit of the Parties intereſted in the ſaid Lands, Tenements or Hereditaments [deſcribing them], ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, 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 ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends 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 to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying therein for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank of *England* as aforeſaid.

In caſe of diſputed Titles.

XXX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money 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, in purſuance of the ſaid recited Act or this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right, Title, or Intereſt in any Lands, Tenements or Hereditaments, to be purchaſed in purſuance of the ſaid recited Act or this Act, for the Purpoſes aforeſaid, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements or Hereditaments, at the Time of

ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid High Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court may order reaſonable Expences to be paid by Truſtees.

XXXI. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchaſed, taken, or uſed under the Authority of the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the High Court of Chancery, and be applied in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the like Uſes in purſuance of the ſaid recited Act and this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as to the ſaid Court ſhall ſeem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, out of the Monies to be received by virtue of the ſaid recited Act or this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Getting Materials for repairing the Roads, &c.

XXXII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Road, and ſuch Perſon or Perſons as he or they ſhall appoint, to dig, take, and carry away any Furze, Heath, Stone, Sand, Gravel, and other Materials proper or convenient for repairing the ſaid Road, out of any Waſte or Common River or Brook, in any Pariſh, Townſhip, Diſtrict, or Place in which the ſaid Road, or any Part thereof, doth lie; and for want of ſufficient Quantity of ſuch Furze, Heath, Stone, Sand, Gravel, or other Materials in the Places laſt deſcribed, then to dig, take, and carry away the like Materials out of any Waſte or Common River or Brook, in any adjoining Pariſh, Townſhip, Diſtrict or Place, without making any Recompence for the ſame, the ſaid Surveyor or Surveyors filling up, fencing, or levelling all ſuch Pits and Holes as ſhall be made or occaſioned by the digging for or taking away ſuch Materials, and making ſuch Allowance or Satisfaction to the Perſon or Perſons through whoſe Lands or private Ways ſuch Materials ſhall be led and carried, for the Damages done and occaſioned thereby, as the ſaid Truſtees, or any Five or more of them, ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot in the Opinion of the ſaid Truſtees, or any Five or more of them, be conveniently gotten in ſuch Waſtes or Common Rivers or Brooks as aforeſaid, on account of the Diſtance thereof from the ſaid Road, or for any other reaſonable Cauſe, that then it ſhall be lawful for ſuch Surveyor or Surveyors, by Order of any Two or more Juſtices of the Peace for the County or Place where ſuch Grounds ſhall lie or be ſituate, to dig for and take away the like Materials out of the

the private Grounds of any Perſon or Perſons (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any Houſe, or incloſed Ground planted or ſet apart or uſed as a Plantation or Nurſery for Trees) where ſuch Materials are and may be found, (the ſaid Surveyor or Surveyors having firſt given Ten or more Days Notice in Writing to the Owner or Occupier of the ſaid private Grounds of ſuch Intention), and from Time to Time to carry away ſuch and ſo much of the ſaid Materials reſpectively as the ſaid Surveyor or Surveyors ſhall judge neceſſary for repairing and amending the ſaid Road, making ſuch Satisfaction for ſuch Materials, and paying ſuch Recompence for the Damage done to the Owners and Occupier of the reſpective Grounds where, through, and from whence the ſame ſhall be got and carried away, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of any Difference between ſuch Owners and Occupiers, or any of them, and the ſaid Truſtees, touching the Damages aforeſaid, any Two Juſtices of the Peace for the County or Counties wherein the Lands lie from which ſuch Materials ſhall be taken, or over or through which the ſame ſhall be led or carried, on Ten Days Notice being given by either Party to the other in Writing, ſhall and may adjudge, aſſeſs, and finally determine the ſame in ſuch Manner as they ſhall think fit and expedient.

Notice to be given before Materials taken.

XXXIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any Perſon or Perſons acting under the Authority of this Act or the ſaid recited Act, to dig, gather, get, take or carry away, any Materials for repairing ſuch Road, out of or from any incloſed Land or Ground, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Occupiers of the Premiſes, from which ſuch Materials are intended to be taken, or left at the Houſe or laſt or uſual Place of Abode of ſuch Occupiers, to appear before any Juſtice or Juſtices of the Peace acting in and for the County or Place from which the Materials ſhall be taken as aforeſaid, to ſhew cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, ſuch Juſtice or Juſtices ſhall, if he or they think proper, authorize ſuch Surveyor or other Perſons to dig, gather, get, take and carry away, ſuch Materials at ſuch Time or Times as to ſuch Juſtice or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or Agent, ſuch Juſtice or Juſtices may (upon Proof on Oath of the Service of ſuch Notice, and which Oath they, or any One of them, are or is hereby empowered to adminiſter) make ſuch Order therein as he or they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier or his Agent had attended.

Expences of this Act.

XXXIV. And be it further enacted, That the Expences of obtaining and paſſing this Act, together with legal Intereſt for Money advanced or to be advanced by any Perſon or Perſons for that Purpoſe, ſhall be paid out of the Money already raiſed by virtue of the ſaid recited Act, or out of the firſt Money which ſhall be collected or received by virtue of the ſaid recited Act and this Act.

Public Act.

XXXV. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Commencement and Continuance of the Act.

XXXVI. And be it further enacted, That this Act shall commence upon the passing thereof; and that the said recited Act (subject to the Alterations and Amendments herein contained) and this Act shall from thenceforth continue and be in force and be executed for and during the Residue now to come and unexpired of the Term granted by the said recited Act, and from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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