ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 3.

An Act for altering, improving, and keeping in Repair the Road between the City of *Durham* and the Village of *Shotley Bridge*, in the County of *Durham*. [12th *March* 1810.]

WHEREAS the preſent Road leading from the City of *Durham* in the County of *Durham* to *Shotley Bridge*, in the ſame County of *Durham*, through the ſeveral Pariſhes and Parochial Chapelries of *Saint Margaret's* in *Durham*, *Witton Gilbert*, *Lancheſter* and *Medomſley*, all within the ſame County, paſſes through a barren, hilly, and uneven Part of the Country, and is otherwiſe inconvenient to the Publick; and it would be for the Convenience of the Inhabitants of the Pariſhes and Places aforeſaid, and of publick Utility, if the Line of the ſaid preſent Road from *Durham* to *Shotley Bridge* aforeſaid were in many Parts altered, and if the ſame were carried through the Village of *Lancheſter*, and alſo if the ſaid Road were ſtraightened, widened, and otherwiſe improved, and kept in Repair: But as the ſame cannot be effected by the Laws in being for the Amendment and Preſervation of publick Highways; 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 *Adam*

Commissioners. *Askew, Bryan. Abbs, George Allan, John Allan, George Baker, David Bevens, Thomas Backhouse, Robert Browell, Rowland Burdon, Robert Blackett* Clerk, *Calverley Bewicke, Thomas Bowes, Robert Bonner, Richard Byron, William Bates, John G. Bowring, Ralph Byerley, Thomas Bellamy, William Beckwith,* Sir *Thomas Clavering, James Clavering, Robert Curry* senior, *Robert Curry* junior, *John Curry, Isaac Cookson* senior, *Isaac Cookson* junior, *John Cookson, Edward Charlton, Samuel Castle, William Cuming, John Chambers* Clerk, *John Clifton, James Dunn* Clerk, the Mayor, Aldermen, and Recorder of the City of *Durham* for the Time being, *John Dunn, Edward Davison* Clerk, *John Dawson, Henry Donkin,* Sir *John Eden* Baronet, *Robert Eden, Morton John Eden, William Ellison* Clerk, *William Emm, William Ellison, Ralph John Fenwick, George Fenwick, Marmaduke Featherstonhaugh, John Fenwick* Clerk, *Thomas Fenwick, Ralph Fenwick, William Thomas Greenwell, George Greenwell, Nicholas Greenwell, John Greenwell* Broomfhields, *Thomas Greenwell* Willington, *William Greenwell* Kibblesworth, *John Thomas Gosli, John Gregson, John Griffith,* General *Martin Hunter, George Hopper, John Hutchinson, Dickens Hazlewood* Clerk, *Thomas Hervey, John Thomas Hendry Hopper, Henry Hardinge* Clerk, *Thomas Hopper, William Hutchinson, Thomas Hopper* Hamsteels, *Edward Jackson, Henry Dalton Jackson, William Jackson, James Jackson,* General *Walter Ker, Richard Kirton,* Sir *Thomas Henry Liddell* Baronet; *Ralph John Lambton,* M. P. *John George Lambton, Henry George Liddell, George Thomas Leaton, John Lyon, Charles Lyon, Newby Lowson, Thomas Laverick, George Lumley,* Sir *Ralph Milbanke* Baronet, *Arthur Mowbray, Robert Marshall, Robert Mills, Henry Foster Mills* Clerk, *Christopher Mason, Edward Marshall* Clerk, *John Douthwaite Nesham, William Nesfield* Clerk, *George Ornsby, William Russell, Matthew Russell, Richard Richardson* Clerk, *Ralph Riddell* Cheeseburn Grange, *Ralph Riddell* Felton Brook, Richmond, *John Rippon, Robert Surtees, Anthony Surtees, Robert Surtees* Redworth, *John Surtees, John Surtees* Medomsley, *George Silvertop, Robert Smith, Robert Eden, Duncombe Shaftoe, Robert Surtees* Mainsforth, *William Thomas Salvin, Bryan Salvin, Edward Shepherdson, Francis Smales, John Selby, John Smith, Robert Stringer,* Sir *Henry Vane Tempest* Baronet, *Joseph Thompson* Clerk, *Thomas Tayler, Francis Bradshaw Taylor, Thomas Todd,* the Right Honourable *William Vane,* Sir *Hedworth Williamson* Baronet, *Richard Wharton, John Wharton, Thomas Wilkinson* Ryhope, *Thomas Wilkinson,* Oswald House, *Thomas White* senior, *Thomas White* junior, *John Wetherell, William Ward, Joseph Ward, John Ward, Edward Ward, William Wray, George Wooler, John Wooler, Jonathan Wooler, Ralph Wheatley, William Wilson* Clerk, *Thomas Wilkinson* Newbus Lodge, *Anthony Wilkinson, Clennell Wilkinson, Matthew Woodifield,* and *John Wren,* shall be, and they are hereby appointed Trustees for altering, making, raising, widening, and repairing the said Road herein-before described and intended to be made as aforesaid, and for putting this Act into Execution.

Power to elect new Trustees. II. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in Manner herein-after mentioned shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees from Time to Time to elect and appoint One or more other fit Person or Persons to be a Trustee or Trustees in the Room of every Trustee or Trustees dying or refusing to act as aforesaid, provided that publick Notice of the Time and Place of Meeting of the said Trustees

Truſtees for every ſuch Election be given by the Clerk to be appointed by the ſaid Truſtees, as herein-after is mentioned, by affixing the ſame in Writing upon all the Turnpike Gates then erected, and being 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 every Perſon who ſhall be elected and appointed a Truſtee or Truſtees, purſuant to the Directions of this Act, ſhall and may act with the ſurviving and remaining Truſtees in the Execution of this Act, to all Intents and Purpoſes, as if he or they had been named and appointed Truſtees in and by this Act.

All Acts may be done by Three Truſtees, unleſs otherwiſe directed.

III. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Three or more of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, except only in Caſes herein particularly directed to be done and executed by any greater or leſs Number of them.

Qualification of Truſtees.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, ſeiſed or poſſeſſed of, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of One hundred Pounds above Repriſes, or ſhall be Heir Apparent of a Perſon ſo ſeiſed or poſſeſſed of Meſſuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of Three hundred Pounds above Reprizes, or ſhall be poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of Three thouſand Pounds; and if any Perſon not being ſo qualified ſhall preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings by any ſuch Perſon as a Truſtee in the Execution of this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

The Acts of unqualified Truſtees declared valid.

V. Provided alſo, and be it enacted, That every Truſtee appointed, or to be elected and appointed by virtue of this Act, before he ſhall act as ſuch (except in adminiſtering the Oath next herein-after mentioned at the Firſt or Second Meeting of the ſaid Truſtees), ſhall take and ſubſcribe an Oath before Three or any more of the ſaid Truſtees (who are hereby empowered to adminiſter the ſame) in the Form or to the Effect following; (that is to ſay),

Truſtee's Oath.

'I *A. B.* do ſwear, That I am in my own Right [*or*, in the Right of my Wife] truly and *bonâ fide* ſeiſed or poſſeſſed of, and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tithes, or Hereditaments, of the clear yearly Value of One hundred Pounds above Repriſes; [*and, in caſe of an Heir Apparent*], I *A. B.*

'I *A. B.* do ſwear, That I am Heir Apparent of *C. D.* who, to the beſt 'of my Knowledge and Belief, is truly and *bona fide* ſeiſed or poſſeſſed of, 'and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſ'ſuages, Lands, Tenements, Tithes, or Hereditaments, of the clear 'yearly Value of Three hundred Pounds above Repriſes; [*and, in the Caſe 'of Perſonal Eſtate*], I *A. B.* do ſwear, That I am truly and *bonâ fide* poſ'ſeſſed of a clear Perſonal Eſtate of the Amount or Value of Three thou'ſand Pounds; and that I will truly and faithfully execute the Powers 'and Truſts repoſed in me by an Act of Parliament paſſed in the Fiftieth 'Year of the Reign of His Majeſty King *George* the Third, intituled, '[*here ſet forth the Title of the Act.*]

'So help me GOD.'

Truſtees holding Places of Profit not to act.

VI. Provided alſo, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act during the Time he ſhall hold any Place of Profit under this Act, and that all ſuch Truſtees as are Juſtices of the Peace may act as Juſtices of the Peace within their reſpective Juriſdictions in the Execution of this Act, notwithſtanding their being Truſtees (except only in Caſes where they ſhall be perſonally intereſted).

Juſtices may act in both Characters.

Victuallers not to be Officers.

VII. Provided always, and be it enacted, That no Perſon or Perſons who ſhall keep any Victualling Houſe or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Ale Houſe, or other Houſe of publick Entertainment, or ſhall ſell any Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under any ſuch Incapacity.

General Meetings of Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe of *John Newton*, known by the Sign of the *Blue Bell* in *Lancheſter* aforeſaid, or at ſome other convenient Houſe or Place in the Ward of *Cheſter* in the ſame County, on the Day of the Commencement of this Act, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution, and that the ſaid Truſtees ſhall then, and from Time to Time afterwards, adjourn themſelves and meet at the ſame Place, or at ſuch other Place near the ſaid Road, and at ſuch Times as the ſaid Truſtees ſhall from Time to Time order and direct, provided that no Adjournment ſhall be made for a longer Time than Six Months, and that no more than Two ſucceſſive Meetings ſhall be held at the ſame Place, or within the Diſtance of Five Miles thereof; and if at any Meeting appointed to be held by virtue of this Act there ſhall not appear a ſufficient Number of Truſtees to act, or in caſe the Truſtees of any Meeting aſſembled ſhall not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall, from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing to be affixed upon all the Turnpikes then 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

Ten Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed.

Meetings on Emergencies.

IX. 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, 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 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 Meeting not being 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 the ſaid Truſtees, or the Majority of them, at all Meetings held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Agreements, and Determinations in the Execution of this Act; and no ſuch Order, Agreement, or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein, ſuch Majority not being leſs than the Number of Truſtees by 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 Seven Truſtees or more ſhall be preſent, and Five at leaſt concur therein; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

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

Truſtees to pay their own Expences at Meetings.

Power to erect Toll Gates, Toll Houſes, &c.

X. And, for the Purpoſe of collecting and receiving the Tolls hereinafter granted or made payable, be it enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall direct and appoint, ſhall and may erect or cauſe to be erected ſuch and ſo many Toll Gates or Turnpikes, in, upon, or acroſs ſuch Parts, and in ſuch Places of the ſaid Road, and alſo ſuch and ſo many Toll Gate or Toll Gates, Turnpike or Turnpikes on the Sides of the ſaid Road, and in, upon, or acroſs any Lane or Bye Way that does or ſhall lead into or out of the ſame reſpectively, as they the ſaid Truſtees ſhall think proper and expedient (ſubject nevertheleſs to ſuch Reſtrictions and Directions as are herein-after mentioned concerning the ſame); and alſo ſhall and may erect or provide a Toll Houſe with ſuitable Buildings, a Garden and other Conveniences, not exceeding One Rood of Land, at or near each of the ſaid Toll Gates or Turnpikes.

Toll Houſes, &c. veſted in Truſtees.

XI. And it is hereby enacted and declared, That the Right and Property of, and in all the Toll Gates or Turnpikes and Toll Houſes which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniences and Appurtenances thereunto reſpectively belonging, and the Materials of which the ſame ſhall conſiſt, and all Materials which ſhall be provided for repairing the ſaid Road ſhall be veſted in the ſaid Truſtees for the Time being, and they are hereby authorized and empowered to apply and diſpoſe of the ſame as they ſhall think fit, and bring or cauſe to be brought any Action or Actions, or to prefer and proſecute, or order and direct the preferring and proſecuting of any Indictments againſt

againſt 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 ſaid Toll Gates, Turnpikes or Toll Houſes, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforeſaid, or who ſhall do any Act to hinder or obſtruct any Perſon employed by the ſaid Truſtees in the Execution of this Act.

Power to take Tolls.

XII. And be it further enacted by the Authority aforeſaid, That the following Tolls ſhall be demanded and taken at each and every of the Toll Gates, Turnpikes, or Side Gates to be erected by virtue of this Act (except as herein-after is excepted), by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time appoint for that Purpoſe, before any Horſe, Beaſt, Cattle, or Carriage, upon which any Toll is by this Act impoſed, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Curricle, Calaſh, or Hearſe, drawn by Six Horſes or other Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Nine-pence:

For every Chaiſe or Chair drawn by One Horſe 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 Five-pence *per* Score, and ſo in Proportion for a greater or leſs Number:

For every Drove of Calves, Hogs, Goats, Sheep, or Lambs, the Sum of Four-pence *per* Score, and ſo in Proportion for a 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 Nine Inches, and rolling a Surface ſo flat or level as not to deviate more than Half an Inch from a flat or level Surface, and having the interior Diameter of each Wheel not deviating more from the exterior Diameter thereof than One Sixth Part of the Sole or Bottom of the Felly, and drawn by Six, Seven, or Eight Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Eight-pence, and drawn by Four or Five Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Four-pence:

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 Nine Inches, and rolling ſuch flat or level Surface as aforeſaid, and having the interior and exterior Diameters of each Wheel not deviating from each other more than the Part or Space aforeſaid, and drawn by Four or Five Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Two-pence; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight-pence; and 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 of the Breadth or Gauge of Six Inches, and rolling ſuch flat or level Surface as aforeſaid,

aforesaid, and having the interior and exterior Diameter of each Wheel not deviating from each other more than One Sixth Part of the Sole or Bottom of the Felly, and drawn by Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four or Five Horses, the Sum of Two Shillings and Sixpence; and drawn by Four, Five, or Six Oxen only, the Sum of One Shilling and Eight-pence; and drawn by Three Horses, the Sum of One Shilling and Eight-pence; and drawn by Two Horses and One Ox, or Two Oxen and One Horse, the Sum of One Shilling and Four-pence:

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, and rolling such flat or level Surface as aforesaid, and having the interior and exterior Diameter of each Wheel not deviating from each other more than the One Sixth Part of the Sole or Bottom of the Felly, and drawn by Four or Five Horses, the Sum of Two Shillings; and drawn by Four, Five, or Six Oxen only, the Sum of One Shilling and Four-pence; and drawn by Three Horses, the Sum of One Shilling and Four-pence; and drawn by Two Horses and One Ox, or Two Oxen and One Horse, the Sum of One Shilling:

For every Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, or deviating more than Half an Inch from a flat or level Surface, or having the interior Diameter of any Wheel deviating from the exterior Diameter thereof more than One Sixth Part of the Sole or Bottom of the Felly, and drawn by Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Eight-pence; and drawn by Four or Five Horses, the Sum of Three Shillings; and drawn by Four, Five, or Six Oxen only, the Sum of Two Shillings; and drawn by Three Horses, the Sum of Two Shillings; and drawn by Two Horses and One Ox, or Two Oxen and One Horse, the Sum of One Shilling and Eight-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Three-pence:

For every Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, or deviating more than Half an Inch from a flat or level Surface, or having the interior Diameter of any Wheel deviating from the exterior Diameter thereof more than One Sixth Part of the Breadth of the Sole or Bottom of the Felly, and drawn by Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Eight-pence; and drawn by Four or Five Horses, the Sum of Two Shillings and Sixpence; and drawn by Four, Five, or Six Oxen only, the Sum of Two Shillings; and drawn by Three Horses, the Sum of One Shilling and Sixpence; and drawn by Two Horses and One Ox, or Two Oxen and One Horse, the Sum of One Shilling and Four-pence; and drawn by Two Horses, Oxen, or other Beast of Draught, the Sum of Eight-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence:

Double Tolls to be paid in certain Cases.

And for every Waggon, Wain, Cart, or other such Carriage, the Soles or Bottoms of the Fellies of the Wheels whereof are of a greater Breadth or Gauge than Three Inches, and of a less Breadth or Gauge than Five Inches, and laden with or carrying Lead, Lead Ore, Iron or Steel, exceeding the Weight of One hundred and Eighty Stones; and for every the like Carriage, the Soles or Bottoms of the Fellies of the Wheels whereof

whereof are of the Breadth or Gauge of Three Inches or leſs, and laden with or carrying Lead, Lead Ore, Iron or Steel, exceeding the Weight of One hundred and Twenty Stones, Double the Tolls and Sums of Money herein-before reſpectively mentioned and made payable for every ſuch Waggon, Wain, Cart, or other ſuch Carriage, not being laden as aforeſaid:

Tolls veſted in the Truſtees.

Which ſaid reſpective Tolls, and all other Tolls by this Act impoſed, and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being, and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of, and aſſigned in ſuch Manner as is herein-after mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by the Perſon or Perſons authorized to receive the ſame, neglect or refuſe the Payment thereof, or of any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe or Cattle, Beaſt or Carriage, upon which any Toll is by this Act impoſed, or any of the Loading, Harneſs, or Accoutrements thereof reſpectively, or any of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs and keeping the ſame ſhall not be paid within the Space of Five Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may, at any Time or Times thereafter, ſell the Horſe, Cattle, Beaſt, Carriage, Goods, and Chattels ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale pay ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon Demand, to the Owner or Owners thereof.

For compelling Payment of Tolls.

For ſettling Diſputes concerning Tolls.

XIII. And be it further enacted, That if any Diſputes ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Collector ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, till the Quantity of the Tolls and the Charges of ſuch Diſtreſs ſhall be aſcertained by ſome Juſtice of the Peace for the County of *Durham*, who, on Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties, or of a Witneſs or Witneſſes, and ſhall determine the Toll due, and aſſeſs the Charges of ſuch Diſtreſs, and of the Collector's Attendance for that Purpoſe upon the ſaid Juſtice, all which Sums ſo determined and aſſeſſed ſhall be paid to the ſaid Collector before he ſhall be obliged to return the ſaid Diſtreſs or Overplus, or any Part thereof.

Collectors declared competent Witneſſes.

XIV. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting under the Authority of the ſaid Truſtees, ſhall not be incompetent on Account of his being appointed to collect ſuch Tolls to give Evidence in any ſuch Diſpute, Suit, or Litigation.

Tolls may be varied.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, when and as often as they ſhall think proper, to leſſen, vary, or alter any of the Tolls hereby granted or made

payable at all or any of the Turnpikes to be erected by virtue of this Act, and to cauſe the ſame to be collected in ſuch Manner, Parts, and Proportions as they ſhall think fit, and to raiſe the ſame again, ſo as they do not at any Time exceed the Tolls by this Act granted and made payable, and ſo as every Reduction thereof be made with the Conſent of the Perſon or Perſons for the Time being entitled to Three Fifth Parts of the Money then due on Security of the ſaid Tolls; but no ſuch Alteration ſhall be made, unleſs Twenty-one Days previous Notice thereof ſhall be affixed in Writing upon all the Turnpikes then erected acroſs the ſaid Road, and alſo inſerted in One or more of the Newſpapers publiſhed or generally circulated in the County of *Durham*.

Power to remove Toll Gates.

XVI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Six or more of them, and they are hereby empowered from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Turnpikes which ſhall be erected in, upon, or acroſs, or on the Side or Sides of the ſaid Road, by virtue of 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, or any Six or more of them, 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 Toll Gates or Turnpikes then ſtanding upon the ſaid Road.

Number of Tolls limited.

XVII. Provided always, and it is hereby enacted and declared, That no more than One full Toll ſhall be demanded or taken from any Perſon or Perſons paſſing and repaſſing the ſame Day with or driving the ſame Horſes, Cattle, Sheep, Beaſts, or Carriages, through all the Toll Gates or Turnpikes which ſhall be erected by virtue of this Act, either upon that Part of the ſaid Road which lies between the City of *Durham*, and the Town of *Lancheſter* aforeſaid, or between that Part of the ſaid Road which lies between *Lancheſter* and *Shotley Bridge* aforeſaid; and that all and every Perſon and Perſons having paid ſuch Toll, and producing a Note or Ticket denoting the Payment thereof, (which Note or Ticket the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of ſuch Toll,) ſhall paſs and repaſs during the ſame Day with or drive the ſame Horſes, Cattle, Sheep, Beaſts, or Carriages, Toll-free through the ſeveral other Toll Gates or Turnpikes erected by virtue of this Act upon the ſaid ſeveral Parts of the ſaid Road reſpectively as is herein-before mentioned.

Tolls to be paid but Once a Day.

XVIII. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than Once at any One Toll Gate or Turnpike to be erected by virtue of 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 of the ſucceding Night,) with or driving the ſame Horſes, Cattle, Beaſts, or 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 to all Perſons ſo paſſing who ſhall requeſt the ſame,) ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts, or Carriages, Toll free during ſuch Day (except as hereinafter mentioned) through the ſame Toll Gate or Turnpike where ſuch Toll was paid: Provided always nevertheleſs, that all and every Perſon and Perſons travelling or paſſing along that Part of the ſaid intended Turnpike Road, compriſing in Length Seven hundred and fifty Yards, or thereabouts, and which is Part of a certain Common Road or Highway commonly called the *Stanhope and Newcaſtle Road*, and lies between a certain Place there called *Eaſt Carr Houſe*, where the ſaid intended Turnpike Road turns off to *Shotley Bridge* on the Weſt, and a certain other Place in the Line of the ſaid *Stanhope* and *Newcaſtle Road*, at or near to a certain Place called *Leadgate*, where there are Four croſs Lanes on the Eaſt, ſhall be exempted from and ſhall not be liable to pay any of the Tolls in and by this Act impoſed for or in reſpect of their Horſes, Mares, Geldings, Mules, Aſſes, Cattle, Calves, Hogs, Goats, Sheep, or Lambs, or Carts or other Carriages whatſoever, for paſſing along or uſing the ſaid Part of the ſaid intended Turnpike Road laſt herein-before deſcribed, to or from any Place or Places whatſoever on the Line of the ſaid *Stanhope* and *Newcaſtle Road* Weſtward of the ſaid *Eaſt Carr Houſe*, or Eaſtward of the ſaid Four Croſs Lanes at or near *Leadgate* aforeſaid.

Tolls not to be taken for travelling a certain Part of the Road.

Carriages, &c. employed in carrying Lime or Coals for certain Purpoſes to pay leſs Tolls.

XIX. Provided always, and be it further enacted, That for the Paſſage through any of the ſaid Turnpikes or Toll Gates of every Carriage laden with or carrying Lime Stones or Lime, to be uſed for the Manurance of Land only, or in carrying Coals to be uſed in the burning of Lime only, inſtead of the Tolls herein-before mentioned and made payable, One Penny for each Horſe, and One Halfpenny for each Ox, or other ſuch Beaſt of Draught drawing ſuch Carriage, ſhall be demanded and taken, and no more; and for the Paſſage through any of the ſaid Toll Gates or Turnpikes of any Horſe, Mare, Gelding, Mule, or Aſs not drawing, but going for or returning laden with either of the Articles laſt aforeſaid for the Purpoſes aforeſaid, inſtead of the Tolls herein-before mentioned and made payable, One Halfpenny for each ſuch Horſe, Mare, Gelding, Mule, or Aſs ſhall be demanded and taken, and no more; and for the Paſſage through any of the ſaid Turnpikes or Toll Gates of any Carriage employed in carrying Coals, Peats, or Turf, to be uſed for Fuel in Dwelling Houſes only, inſtead of the Tolls herein-before mentioned and made payable, Two-pence for each Horſe, Ox, or other Beaſt of Draught drawing ſuch Carriage, ſhall be demanded and taken, and no more; and for the Paſſage through any of the ſaid Turnpikes or Toll Gates of any Horſe, Mare, Gelding, Mule, or Aſs not drawing, but going for or returning with Coals, Peats, or Turf, to be uſed for Fuel in Dwelling Houſes only, inſtead of the Tolls herein-before mentioned and made payable, One Penny for each Horſe, Mare, Gelding, Mule, or Aſs, ſhall be demanded and taken, and no more: Provided nevertheleſs, that if any Carriage employed in carrying Lime Stones or Lime to be uſed for the Manurance of Lands only, or Coals to be uſed in the burning of Lime only, or Coals, Peats, or Turf, to be uſed for Fuel in Dwelling Houſes only; or if any Horſe, Mare, Gelding, Mule, or Aſs not drawing, but going for or returning laden with any of the ſaid laſt mentioned Articles, ſhall return or repaſs the ſame Day through the ſame Toll Gates or Turnpikes laden with other or different Articles, ſhall, on repaſſing ſuch Toll Gates

Exception as to Carriages, &c. returning laden with other Articles.

Gates or Turnpikes, be subject and liable to and pay such further Sum, in addition to what shall have been paid for Toll in the same Day, as will make up the full Tolls herein-before mentioned and made payable.

Exemptions from Tolls.

XX. And be it further enacted, That no Tolls shall be demanded or taken for any Horse or Carriage passing through any of the Turnpike Bars erected or to be erected upon or on the Sides of the said Road, carrying or conveying Stone, Bricks, Lime, Timber, Wood, Gravel, or other Materials to be used on or about the said Road, or for the repairing any Highways in the Parishes, Townships, Districts, or Places which are liable to perform Statute Duty upon any Part of the said Road, nor returning empty when so employed; nor carrying or conveying Hay, or Corn in the Straw, only not to be sold or disposed of, but going to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, nor any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands; nor any Mould, Dung, or Compost for the manuring of Lands, nor returning empty when so employed; nor shall any Toll be paid by any Rector, Vicar, or Curate going to or returning from any Church, Chapel, or other Place of Religious Worship, or visiting his Sick Parishioners, or any other his Parochial or Ministerial Duty, nor by any other Person or Persons residing in the said Parishes, Townships, Districts, or Places, who shall pass through the said Turnpike Bars to or from Church, Chapel, or other Place of Religious Worship, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts, or Places; nor for any Horses, Mares, Geldings, Mules, Asses, or Cattle which are kept within such Parishes, Townships, Districts, or Places going to or returning from Work in cultivating Lands; nor for any Horses, Mares, Geldings, Mules, Asses, Cattle, Sheep, Lambs, Goats, or Hogs which are to be kept within the said Parishes, Townships, Districts, or Places, going to or returning from Pasture, the Commons, or other grazing Grounds, or Watering Places, or Blacksmiths Shops within the same, or in bringing Peats, Turf, or Heath from off the Moors belonging to the same for the Use of the Inhabitants thereof; nor for any Horses or Carriages of whatsoever Description employed or to be employed in conveying the Mails of Letters and Expresses 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, or for the Horses of Soldiers on the March or on Duty, or Carriages or Horses, or other Beasts employed in carrying the Arms or Baggage of such Soldiers, 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, 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 Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or travelling with Vagrants sent by legal Passes;

Paſſes; nor for any Horſe or Carriage 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* on the Day or Days 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 thereto, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds: Provided always, that no Tolls ſhall be demanded or taken for any Horſe, Cattle, or Carriage which ſhall not go more than Two hundred Yards upon the ſaid Road.

No Toll if not going more than Two hundred Yards.

Carriages employed in His Majeſty's Service not to be ſubject to Regulations for Overweight.

XXI. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack, or Commiſſariat, or other publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any Waggon, Wain, Cart, or other Carriage 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; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithſtanding.

To prevent evading the Tolls.

XXII. 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 adjoining to or lying near any Gate or Turnpike to be erected by virtue 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 with any Horſe, Cattle, Beaſt, or Carriage to paſs through the ſame, whereby the Payment of any of the ſaid Tolls, or any Part or Parts thereof, ſhall be evaded, or with Intent to evade the ſame, 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 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, or ſhall at any Time or Times take off or cauſe to be taken off any Horſe, Ox, or any other Cattle or Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part or Parts of the ſaid Tolls ſhall be evaded, or ſhall leave or cauſe to be left upon or near to any Part of the ſaid Road any Carriage, Horſe, Cattle, or Beaſt, with an Intent to evade the Payment of any of the ſaid Tolls, or any Part or Parts thereof, or with ſuch Intent ſhall unload any Goods from any Horſe, Cattle, Beaſt, or Carriage; every Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Truſtees may compound for Tolls.

XXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, from Time to Time, as they ſhall ſee convenient, to compound

pound 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, Hamlets, or Places, to or through which the ſaid intended Road leads, for the paſſing of their Horſes, Cattle, or Carriages through all or any of the Toll Gates to be erected on the ſaid Road, or on the Sides thereof, which Compoſition Money ſhall be paid yearly in advance, 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 hereby directed to be paid and applied.

Power to Leaſe the Tolls.

XXIV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees in ſuch Manner and Form as is mentioned and directed in that Behalf, in and by a certain Act of Parliament paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the general Laws now in being for regulating the Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes*, from Time to Time to leaſe and demiſe the Tolls granted by this Act, and ariſing upon the ſaid Road intended to be made, repaired, and amended by virtue of this Act, or any Part or Parts thereof, for any Term of Years not exceeding Three Years at any one Time, for the beſt Price that can be gotten for the ſame, payable at ſuch Time and under ſuch Covenants as the ſaid Truſtees ſhall think fit, they the ſaid Truſtees taking a Counter Part of all ſuch Leaſe and Leaſes, and taking ſuch ſufficient Security from the Perſon and Perſons to whom ſuch Tolls ſhall be leaſed and demiſed for Payment of the Rents and Performance of the Covenants to be reſerved and compriſed in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit.

Appointing Officers, Salaries, &c.

XXV. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered by Writing under their reſpective Hands to appoint One or more Collector or Collectors of the ſaid Tolls, and One or more Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary, and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies ariſing by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting to them, or any of them, in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Service, as the ſaid Truſtees ſhall deem reaſonable: Provided nevertheleſs, that no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees who ſhall ſell any Ale, Beer, Wine, or Spirituous Liquors by Retail; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts in Writing under their reſpective Hands, upon Oath, (which Oath the ſaid Truſtees are hereby empowered to adminiſter,) of all Monies which

How Officers ſhall account.

which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to give such Account as aforesaid, or shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or to verify the Articles thereof upon Oath, or shall refuse or neglect to pay the Money due upon such Account in Manner aforesaid; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, all the Books, Papers, or Writings in his Custody or Power relating to the Execution of this Act; that then, and in every or any of the said Cases, it shall be lawful for any Two or more of the Justices of the Peace for the County of *Durham*, upon Complaint thereof made to them by any Two or more of the said Trustees, and they are hereby authorized and required to make Enquiry concerning such Default or Refusal, as well by the Confession of the Parties themselves respectively as by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath the said Justices, or either or any of them, are and is hereby empowered and required to administer without Fee or Reward); and if any such Officer or Person shall be convicted of any of the Offences aforesaid, such Justice shall and may, upon such Conviction, commit him to the Common Gaol or House of Correction of the same County, there to remain without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with the said Trustees, and shall have paid such Composition in such Manner as the said Trustees shall appoint, (which Composition the said Trustees are hereby empowered to make,) or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof, to the said Trustees: Provided always, that no Person shall be so committed for a longer Space of Time than Six Calendar Months.

Penalty on their Refusal.

Trustees may appoint temporary Collectors in certain Cases; how to recover Possession of Toll Houses.

XXVI. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence of any Collector or Receiver of Tolls, any Three or more of the Trustees, though not assembled at any General Meeting of the said Trustees appointed by virtue of this Act, by Writing under their respective Hands, shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall so die, become incapable, abscond, or absent himself; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall so die, become incapable, abscond, or absent himself, would have had or been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself or be discharged, or any other Person having the

Poſſeſſion of any Toll Houſe or Building to be erected or ſet up by virtue of this Act, ſhall neglect or refuſe to deliver up ſuch Poſſeſſion for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Three or more of the ſaid Truſtees, or by their Clerk or Treaſurer, then and in any of the ſaid Caſes it ſhall and may be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Durham*, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable, or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods out of the ſame, and to put the ſaid Truſtees, or any Three or more of them, or any of their Officers, in the Poſſeſſion thereof.

No Truſtee ſhall vote for Officers, who has not acted in the preceding Year.

XXVII. Provided always, and be it enacted, That after the Firſt Nomination and Appointment of any Officers in purſuance of this Act, no Truſtee ſhall be capable of voting or acting in any future Nomination or Appointment of any ſuch Officers reſpectively upon Death or any other Vacancy or Vacancies, unleſs ſuch Truſtee ſhall have acted as a Truſtee in the Execution of this Act, at leaſt Once within the Space of Twelve Calendar Months next preceding the Time of ſuch laſt mentioned Nomination or Appointment.

Treaſurer, &c. to give Security.

XXVIII. And be it further enacted, That the ſaid Truſtees ſhall and are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and other Officers to be appointed for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices, as they the ſaid Truſtees ſhall think proper; and that no ſuch Treaſurer, Receiver, Collector, or other Officer ſhall be permitted to enter upon ſuch their Offices reſpectively until they ſhall have given ſuch Security.

Subſcribers compellable to pay their Subſcriptions.

XXIX. And be it further enacted, That if the ſeveral Perſons who have become Subſcribers towards the Expence of obtaining and paſſing this Act, and carrying the ſame into Execution, or any One or more of them, or any Perſon or Perſons who ſhall hereafter become or agree to become a Subſcriber or Subſcribers for the Purpoſes aforeſaid, ſhall, after Twenty Days previous Notice in Writing under the Hand of the Treaſurer or Clerk to the ſaid Truſtees for that Purpoſe to him, her, or them given, or left at his, her, or their Dwelling Houſe, or uſual Place or Places of Abode, refuſe or neglect to make Payment of the reſpective Sums by him, her, or them ſo ſubſcribed or agreed to be ſubſcribed, or ſuch Part or Parts thereof as may be required in ſuch Notice, it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action of Debt or on the Caſe, Bill, Plaint, or Suit, againſt the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Pleas at *Durham*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed; and after Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and that ſuch Notice was given as aforeſaid, a Verdict ſhall be given for the Plaintiffs in all ſuch

Action

Action and Actions, and Executions shall issue thereupon, as the Case may require.

For borrowing Money on Security of Tolls.

XXX. 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 at any Meeting, to borrow and take up at Interest, upon the Credit and Security of the Tolls to arise by virtue of this Act, in such Manner as they shall think proper, such Sum or Sums of Money as they, or any Five or more of them, shall think fit; and for securing the Repayment of all such Sum and Sums with Interest, they the said Trustees, or any Five or more of them, are hereby empowered from Time to Time, by any Writing or Writings under their Hands, to demise or mortgage the said Tolls, or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, during the Continuance of this Act, (the Charges of such Mortgages to be paid out of such Tolls,) as a Security or Securities to any such Subscriber or Subscribers as aforesaid, or to any other Person or Persons who shall advance such Sum or Sums of Money, their respective Executors, Administrators, and Assigns, for the Money so to be advanced, with Interest for the same; which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say),

Form of Mortgage.

'BY virtue of an Act made in the Fiftieth Year of the Reign of His 'Majesty King *George* the Third, intituled, [*Here set forth the Title* '*of this Act*,] we Five of the Trustees for putting the said 'Act into Execution, in Consideration of the Sum of in 'Hand advanced and paid by *A. B.* of to the 'Treasurer of the said Road, do hereby grant, bargain, sell, and demise 'unto the said *A. B.* his Executors, Administrators, and Assigns, for 'and during the Continuance of this Act, such Proportion of the Tolls 'to arise upon the said Road, and the Turnpikes and Toll Houses 'already or hereafter to be made and erected for collecting the same, 'as the said Sum of doth or shall bear to the whole Sum 'now or hereafter to become due and owing on the Security thereof, to 'be had and holden from the Day of the Date hereof, for and during 'the Continuance of the said Act, unless the said Sum of 'with Interest, after the Rate of Five Pounds *per Centum per Annum*, 'shall be sooner repaid and satisfied. Given under our Hands, this 'Day of in the Year of our Lord

Copies to be entered.

And Copies of all such Mortgages or Mortgage Securities shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward, but no Money shall be borrowed on Security of the Tolls after the First Meeting to be held in pursuance of this Act, unless Notice for that Purpose be affixed in Writing upon all the Turnpikes then erected by virtue of this Act, and also inserted in One or more of the Newspapers published at *Newcastle-upon-Tyne*, at least Twenty-one Days before the Meeting for borrowing thereof; and it shall be lawful for all Persons respectively, to whom any Mortgage shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to assign and transfer his, her, or their Right, Title, and Interest in or to such Mortgage, and the

Principal

Principal Money and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever; which Aſſignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorſed on ſuch Mortgage Security, or to be underwritten, or thereunto annexed, and ſigned in the Preſence of, and atteſted by, One or more credible Witneſs or Witneſſes; (that is to ſay),

Form of Transfer.

'I the within-named *A. B.* [*or*, I *C. D.* Aſſignee, Executor, or Adminiſtrator of the within-named *A. B. as the Caſe may happen*], do hereby aſſign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby ſecured, and all Intereſt now due and hereafter to grow due upon the ſame, unto *E. F.* of his Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord

'Witneſs to the ſigning hereof.'

Transfers to be entered.

Which Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer within Three Calendar Months next after the Day of the Date thereof, who ſhall enter the ſame in the ſaid Book or Books, for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of Two Shillings and Sixpence, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his Executors, Adminiſtrators, and Aſſigns, to the full Benefit of ſuch Mortgage Security; and every ſuch Aſſignee may in like Manner aſſign or transfer the ſame, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons (except the Perſon or Perſons to whom the ſame ſhall be laſt transferred, his, her, or their reſpective Executors or Adminiſtrators) to releaſe, diſcharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Perſons to whom any ſuch Mortgage or Transfer ſhall be made as aforeſaid, ſhall, in Proportion to the Sum or Sums of Money thereby ſecured, be Creditors on the Tolls by this Act granted, and on the ſaid Turnpikes and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of Priority of advancing their Monies, or of the Dates of their reſpective Securities.

Application of the Money.

XXXI. And be it further enacted, That all the Monies which ſhall ariſe and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and be applied to and for the ſeveral Uſes, Intents, and Purpoſes, and in the Order and Manner following; (that is to ſay), in the Firſt Place, in Payment of all the Coſts, Charges, and Expences incident to, or attending the obtaining and paſſing of this Act; in the Second Place, in defraying the Expences of purchaſing Land which may be neceſſary for the making and widening of the ſaid intended Road, and of erecting and providing Turnpikes, Toll Houſes, and other Buildings, and keeping the ſame in Repair, and of altering, raiſing, widening, repairing, and preſerving the ſaid Road ſo intended to be made as aforeſaid, and of erecting and making neceſſary and convenient Bridges upon the ſame, and of executing the other Purpoſes of this Act; in the Third Place, in paying the Intereſt accruing upon the ſeveral Principal Sums of Money which ſhall from

Time to Time be ſecured in purſuance of this Act; and laſtly, in reducing, paying off, and diſcharging the ſeveral Principal Sums of Money which ſhall be ſecured in purſuance of this Act, equally and without any Preference or Priority as aforeſaid.

For getting Materials for repairing the Road, &c.

XXXII. And be it further enacted, That it ſhall be lawful for the Surveyor and Surveyors, and ſuch Perſon and 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, (not being within the Diſtance of One hundred Yards of any Bridge, Dam, Wear, or Jetty,) in any Pariſh, Town, Village, or Hamlet, within or adjacent to which the ſaid Road, or any Part or Parts thereof reſpectively does or do lie or is or are intended to paſs, and for Want of ſufficient Quantities 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, (not being within the like Diſtance from any Bridge, Dam, Wear, or Jetty,) in any adjacent Pariſh, Town, Village, or Hamlet, without making any Recompence for the ſame, the ſaid Surveyor and Surveyors filling up, fencing, and 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 ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot be gotten in ſuch Waſtes, Commons, Rivers, and Brooks as aforeſaid, it ſhall be lawful for ſuch Surveyor and Surveyors, by Order of the ſaid Truſtees, to dig for and take away the like Materials out of the private Grounds of any Perſon or Perſons (not being a Garden, Yard, Paddock, Park, planted Walk or Avenue to any Houſe, or incloſed Ground, planted, ſet apart, or uſed as a Plantation or Nurſery for Trees) where ſuch Materials are or may be found, 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 the repairing and amending the ſaid Road, paying ſuch Recompence for the Damage done to the Owners and Occupiers of the reſpective Grounds, where, through, and from whence the ſame ſhall be digged and carried away, as the ſaid Truſtees 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, the Juſtices of the Peace for the ſaid County of *Durham*, at their General Quarter Seſſions of the Peace to be holden in and for the ſame County next after ſuch Difference, (on Five Days' Notice given by either Party to the other in Writing,) ſhall and may aſſeſs, adjudge, and finally determine the ſame in ſuch Manner as they ſhall think fit and expedient.

Penalty on taking away Materials got by Surveyor.

XXXIII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall take or carry away any Materials which ſhall have been digged or gathered for the Purpoſe of making, completing, or amending the ſaid Road, 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 Road, before the ſaid Surveyors or their Workmen ſhall have

discontinued working therein for the Space of Twenty-one Days, (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein, for his own private Use only, and not for Sale,) every Person so offending shall forfeit for every such Offence the Sum of Forty Shillings.

Surveyors may remove Annoyances.

XXXIV. 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, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stone, Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same to the Prejudice thereof, and to open, scour, and cleanse, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Road, or any Part or Parts thereof respectively, and also to cut down, top, or lop at proper Seasons of the Year any Trees, Branches or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, (so as to reduce such Hedges to any Height not less than Four Feet,) and to take and carry away the same, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Seven Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof (to be settled by the said Trustees) shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Trees, Branches or Bushes, or by the Person or Persons occasioning, or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances any Person or Persons shall offend again in like Manner, every such Person shall, for every such Second or other repeated Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Surveyors may make Causeways, cut Drains, &c.

XXXV. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by Order of the said Trustees, to make Causeways in or along the Side of the said Road, and to cut and make Drains or Watercourses upon and through any Grounds lying contiguous to the said Road, and to erect and keep in Repair the Bridges and Arches thereupon, and also to make Ditches or Trenches in such Places and in such Manner as such Surveyor and Surveyors by Order of the said Trustees shall judge necessary, and make sufficient Fenders, Barriers, and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor or Surveyors shall judge necessary, and also make or cause to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, (not having a House or other Building thereon, and not being a Garden, Orchard, planted Walk or Avenue to any House, or a Plantation or Nursery of Trees,) to be made Use of as a temporary Road whilst the old Road shall be repairing, and until the same shall be made safe and convenient for Travellers, making such

ſuch Satisfaction to the Owners or Occupiers of ſuch Grounds ſo to be uſed, cut through, or built upon, for the Damages which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees ſhall judge reaſonable; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the ſaid County of *Durham*, at their General Quarter Seſſions of the Peace, to be holden next after ſuch Difference ſhall ariſe.

Truſtees may widen, turn, or alter the Roads.

XXXVI. And be it further enacted, That in caſe the ſaid Truſtees ſhall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter any Part or Parts of the ſaid Road to be repaired and made by virtue of this Act for ſhortening the ſame, or rendering the ſame more commodious, or for the better Accommodation of Paſſengers, that then the ſaid Truſtees ſhall have full Power and Authority, from Time to Time, to widen the ſaid Road in all ſuch Parts as may require the ſame, and to divert, turn, or alter, within the Diſtance herein-after mentioned, the Courſe, Path or Line of Direction thereof, or of any Part or Parts thereof reſpectively, and to make, carry, or continue the ſame through or over any private or other Lands or Grounds of or belonging to any Perſon or Perſons whomſoever, firſt making Satisfaction to the Owners and Perſons intereſted therein for the Damage they may thereby ſuſtain; and for that Purpoſe and for aſcertaining and fixing ſuch Damages, it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners and Perſons intereſted in any ſuch private Lands or Grounds for the Purchaſe thereof, or for the Loſs or Damages ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by ſuch widening, turning, or altering any Part or Parts of the ſaid Road; and

Corporations and incapacitated Perſons empowered to ſell, &c.

it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infant, Femes Covert, Ceſtuique Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of or intereſted in any ſuch Lands or Grounds, either for their own Uſe or Benefit, or for the Uſe of or in Truſt for ſuch other Perſon or Perſons as aforeſaid, to contract and agree with the ſaid Truſtees, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them, all or any of ſuch Lands and Grounds as Occaſion ſhall be or require, and all Contracts, Sales, and Conveyances, which ſhall be ſo made, ſhall, without any Fine or Fines, common Recovery or common Recoveries, be valid and effectual in the Law to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owner, Proprietor, Occupier, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or Truſtees or any other Perſon or Perſons intereſted in any ſuch Lands or Grounds, upon Notice to him, her, or them given, or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Cor-

On Refuſal to ſell, a Jury to ſettle the Recompence; their Verdict to be final.

porate

porate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Grounds ſo to be taken in and added to the ſaid Road, or into which any Part or Parts of ſuch Road are or is to be turned or altered as aforeſaid, ſhall, by the Space of Forty Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence ſhall be hindered from treating, then and in every or any ſuch Caſe, the ſaid Truſtees ſhall cauſe it to be enquired into and aſcertained by and upon the Oath of a Jury of Twelve indifferent Men of the County of *Durham* (which Oaths any Two or more of the ſaid Truſtees are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, or Occupiers, or other Perſon or Perſons intereſted, for, upon, or on Account of the taking of ſuch Lands or Grounds into the ſaid Road, or of turning any Part or Parts of ſuch Road into and through the ſame Lands and Grounds, and in order thereto the ſaid Truſtees are hereby empowered and required, from Time to Time as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, (which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter,) and they ſhall alſo order and cauſe the ſaid Jury to view the Places in Queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damage and Recompence, the ſaid Truſtees ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the ſaid Owners, Occupiers, or Proprietors of, or other Perſons intereſted in, the ſaid Lands or Grounds, according to ſuch Verdict or Inquiſition of the ſaid Jury, which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever claiming in Poſſeſſion, in Fee or in Tail General or Special, Reverſion or Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any Diſability whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all Perſons whomſoever; and all and every ſuch Owners, Occupiers, and Proprietors, and all and every Perſon and Perſons anyways intereſted in ſuch Lands or Grounds, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, thereby be from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame; and for the ſummoning or returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *Durham*, thereby commanding and requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them

as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes; and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn refuſing to give, or not giving their Verdict, or in any other Matter wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the Premiſes ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence, and from Time to Time to levy and apply ſuch Fine or Fines in the ſame Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, ſo that ſuch Fines ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Perſons aforeſaid for any One Offence.

Sheriff, &c. to be fined on Neglect of Duty.

How Expences of Jury, &c. ſhall be paid.

XXXVII. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence for the Right, Intereſt, or Property of any Perſon or Perſons in any Lands or Hereditaments, or of any Loſs or Damage to be by him, her, or them ſuſtained, than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning or returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees out of any Money ariſen or to ariſe by virtue of this Act; but 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 and offered by the ſaid Truſtees before the ſummoning and returning of ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, that then the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and all other Expences attending the Hearing and Determining of ſuch Differences, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid 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 reſpective County or Place not intereſted in the Matter in Queſtion (who is hereby required to examine and ſettle the ſame), 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 Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged, or otherwiſe

otherwiſe ſuch Coſts and Expences, in caſe the ſame be not paid on Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk or Clerks to the ſaid Truſtees by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures; provided, that where by reaſon of Abſence any Perſon or Perſons ſhall have been prevented from treating with the ſaid Truſtees, touching the Matters aforeſaid, the whole of ſuch Fees and Expences ſhall be paid by the ſaid Truſtees.

Upon Payment of the Purchaſe Money, the Lands to be laid into the Road, and former Roads may be ſold or ſtopped up.

XXXVIII. And be it further enacted, That every Sum of Money, or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or other Money ariſing by virtue of this Act, according to the Directions herein-after contained, either into the Bank of *England*, or as the Caſe may be, to the Parties or Perſons reſpectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, or (in caſe of Refuſal to accept the ſame, or the Parties not being to be met with) upon leaving the ſame in the Hands of the Treaſurer or Treaſurers of the ſaid Road, for the Uſe of ſuch Parties or Perſons; and after Fourteen Days Notice given to ſuch Parties or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Poſſeſſion of the Lands or Hereditaments, ſuch Lands or Hereditaments ſhall be laid into and made Part of the Road, in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes become and be deemed a common Highway, and ſhall from thenceforth for ever be deemed as Part of the Road by this Act directed to be amended and kept in Repair, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and after ſuch new Road ſhall be completed, the Land comprized in or conſtituting the old or former Road ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up or left unrepaired, unleſs the ſame may be wanted for any publick Uſe, or for the particular Convenience of the Occupancy of any Lands or Tenements to which the ſame may lead, or ſhall be by the ſaid Truſtees ſold for the beſt Price or Prices that can be gotten for the ſame, or exchanged for other Lands uſed for the Purpoſes of this Act, and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act; and the Conveyance to be made of ſuch Lands being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the County of *Durham*, ſhall be good and effectual to all Intents and Purpoſes.

Lands to be ſold, to be firſt offered to the Owners of the adjoining Lands.

XXXIX. Provided always, and be it further enacted, That the ſaid Truſtees, before they ſhall ſell and diſpoſe of the ſaid Piece or Pieces of Ground, conſtituting the old or former Road, ſhall firſt offer to reſell the ſame to the Owner or Owners of the Lands adjoining, and in caſe ſuch Perſon or Perſons ſhall not then and thereupon agree, or ſhall refuſe to repurchaſe the ſame, an 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 aforeſaid, by ſome Perſon or Perſons not intereſted, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the

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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 refuſed by the Perſon or Perſons to whom it was made (as the Caſe may be); and in caſe ſuch Perſon or Perſons ſhall be deſirous of purchaſing the ſame, and he, ſhe, or they, and the ſaid Truſtees, ſhall differ and not agree with reſpect to the Price thereof, in ſuch Caſe the Price or Prices thereof ſhall be aſcertained by a Jury in Manner herein-before directed reſpecting the diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before mentioned with reſpect to ſuch Purchaſe made by the ſaid Truſtees *mutatis mutandis*; and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees as aforeſaid ſhall be applied for the Purpoſes of this Act, but the Purchaſer or Purchaſers thereof ſhall not be anſwerable or accountable for any Miſapplication or Non-application of ſuch Purchaſe Money.

Application of Compenſation where exceeding 200l.

XL. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands or Hereditaments purchaſed, taken, or uſed by virtue of the Powers in 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 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 Petition to be preſented in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or 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 or ſettled to, for, and upon ſuch and the like Uſes, Intents, Truſts, and Purpoſes, and in the ſame Manner as the Lands and 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 Lands and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlements were made.

Application where the Compenſation does not amount to 200l. and exceeds 20l.

XLI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or 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 or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, to be paid into the Bank in the Name and with the Privity of the Accountant General of the High Court of Chancery, and to 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 the ſaid Truſtees, (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.

Application where the Money is leſs than 20l.

XLII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall not exceed 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 Lands or 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.

In caſe of not making out Titles.

XLIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of 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 in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded or aſſeſſed as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees to order the Sum or Sums of Money ſo awarded or aſſeſſed as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account 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 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 ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Publick 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 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 into the Bank as aforeſaid.

Perſons in Poſſeſſion ſhall be deemed well entitled, unleſs the contrary be ſhewn.

XLIV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, and 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 be lawfully entitled to ſuch Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid 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.

The Court may order reaſonable Expences of Purchaſes to be paid by Truſtees.

XLV. 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 under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court 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 the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

XLVI. And

Road to be made according to the Plan.

XLVI. And whereas a Map or Plan describing the Line of the said Road, and the Lands through which the same is to be carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands have been deposited with the Clerk of the Peace for the County of *Durham*, be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees in making the said Road shall not deviate more than Three hundred Yards, of Three Feet each, from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politick, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Notwithstanding Misnomers in the Plan.

XLVII. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said Diversion and new Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees to fence the new Roads.

XLVIII. And be it further enacted, That in all Cases where the said Trustees shall widen, turn, or alter any Part or Parts of the said Road, or make any new Road over and through any private Grounds, the said Trustees shall make or cause to be made proper Walls or Quickset Fences, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Road into the Lands adjoining, and shall keep the Quickset Fences so to be made in good Order and Repair, for and during the Term of One Year, from the Time that such Quickset Fences shall have been made or planted.

Lands liable to the Repair of Bridges and Roads to continue so.

XLIX. And be it further enacted, That where any particular Part or Parts of the said Road, or any Bridges, Arches, Drains, or Sewers, lying in and upon the same Road, which have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politick or Corporate, by reason of the Tenure of the Lands, Tenements, or Hereditaments, or by the said County of *Durham*, or any Parish or Township therein, or otherwise howsoever, all and every such Part or Parts of the said Road, and all such Bridges, Arches, Drains, and Sewers shall from Time to Time continue to be maintained and kept in Repair, by such Person and Persons, Bodies Politick and Corporate, County, Ward, Parishes, or Townships, and in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act.

L. And

Regulations as to the Performance of Statute Duty.

L. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the Road comprized in this Act, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore, and it ſhall be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Durham*, and they are hereby required and empowered, upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees, or to their Treaſurer or Treaſurers; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons, (within Ten Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as are or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick Highways; and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Haytime or Harveſt), and on ſuch Parts of the ſaid Road, as the ſaid Truſtees or their Surveyor or Surveyors ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition for Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the Juſtices ſhall direct, and in Default of Payment thereof the ſame ſhall and may be recovered by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their uſual Place or Places of Abode for that Purpoſe by any Surveyor to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force or Effect for the Repair of the publick Highways; and if any Perſon who

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ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid, and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Truſtees may compound for Statute or other Work.

LI. And be it enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered to compound or agree by the Year or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, Hamlets, or Places through which the ſaid Road ſhall lead, to compound and agree, by the Year or otherwiſe with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part of the ſaid Road, all which Compoſition Monies aforeſaid ſhall be from Time to Time paid in advance, and ſhall be applied in Repair of the ſaid Road, and all ſuch Surveyors ſhall be reimburſed the Monies by them paid in ſuch Manner as herein-after mentioned.

Compoſition Monies how to be recovered.

LII. Provided always, and be it enacted, That in caſe any Compoſition Money agreed to be paid for or in lieu of any Statute or Days Works of the Inhabitants of any Pariſh, Townſhip, Hamlet, or Place wherein the ſaid Road doth lie, or through which the ſame ſhall lead, or in reſpect of any Lands, Tenements, or Hereditaments liable or chargeable by Tenure or otherwiſe as aforeſaid, ſhall not be paid within Three Days next after the ſame ſhall become payable, according to ſuch Compoſition or Agreement that then it ſhall be lawful for the ſaid Truſtees, or any One or more Juſtice or Juſtices of the Peace of the ſaid County of *Durham*, by Writing under his or their Hand and Seal or Hands and Seals, to impower the Perſon or Perſons authorized by the ſaid Truſtees to receive ſuch Compoſition Money, (Oath having been firſt made that the ſame hath been demanded and remains unpaid, which Oath the ſaid Truſtees, or any Three or more of them, or the ſaid Juſtice or Juſtices, are and is hereby empowered and required to adminiſter,) to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods of the Perſon or Perſons ſo having compounded for any Statute or Days Works, or for any Lands, Tenements, or Hereditaments liable or chargeable by Tenure or otherwiſe as aforeſaid, or of the Surveyor or Surveyors of the Highways for the Time being, of ſuch Pariſh, Townſhip, or Hamlet, in reſpect of whoſe Statute or Days Works ſuch Compoſition ſhall be made, returning the

Overplus (if any) to the reſpective Owners of the Goods ſo to be levied by Diſtreſs and Sale upon demand, after the Charges of ſuch Diſtreſs and Sale ſhall have been thereout deducted.

How Highway Surveyors are to be reimburſed the Compoſition Money.

LIII. Provided alſo, and be it enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any Pariſh, Townſhip, Hamlet, or Place, for or in reſpect of whoſe Statute or Days Works ſuch Compoſition ſhall be made as aforeſaid, ſhall pay the Compoſition Money, or if ſuch Compoſition Money ſhall be recovered and received by Diſtreſs and Sale of his and their Goods and Chattels, in Manner herein-before directed, then and in either of the ſaid Caſes ſuch Surveyor or Surveyors ſhall be repaid or reimburſed the Compoſition Money which ſhall be ſo paid by or recovered of him or them as aforeſaid, together with the Coſts and Charges of ſuch Diſtreſs and Sale, in ſuch Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be repaid or reimburſed the Monies by them expended in buying Materials for repairing the ſaid Highways.

Penalty on Perſons obſtructing the Execution of this Act.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall aſſault or hinder, or cauſe to be aſſaulted or hindered, the Collectors of the ſame Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or any Perſon or Perſons employed by them, or any of them, or by the ſaid Truſtees, in the Execution of any Part of this Act, every ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds.

Roads to be meaſured and Mile Stones erected.

LV. And be it further enacted, That the ſaid Truſtees ſhall be and are hereby empowered and required to cauſe the ſaid Road to be meaſured from the City of *Durham* to *Shotley Bridge*, and Mile Stones or Poſts to be ſet up, and from Time to Time renewed, on the Sides thereof reſpectively, with Inſcriptions thereon denoting the Number of Miles and Diſtance of Places, and alſo proper Direction Poſts where any other Roads lead out of or into the ſaid Road hereby directed to be repaired, with Inſcriptions thereon, denoting to what Place or Places ſuch other Roads reſpectively do lead, as they ſhall think fit; and if any Perſon or Perſons ſhall wilfully break or pull down, dig up, injure, or deſtroy any of the Stones or Poſts which ſhall be ſo fixed or ſet up, or eraſe, obliterate, or deface any of the Inſcriptions or Letters which ſhall be engraven or made thereon, or any Part thereof, or cauſe or procure the ſame to be done, every ſuch Perſon ſo offending ſhall forfeit and pay any Sum not exceeding Forty Shillings, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Truſtees may contract for Repairs.

LVI. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize, delegate, or appoint, are hereby empowered to contract with any Perſon or Perſons for making, altering, raiſing, widening, and repairing the ſaid Road, or any Part or Parts thereof, and for erecting, building, and making Arches and Bridges upon the ſame, and for erecting Mile and Direction Stones or Poſts thereon, and for making any Hedges or Fences, or turning, altering, widening, or making Part or Parts of the ſaid Road, or for doing

doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper.

How Forfeitures, Penalties, and Fines are to be recovered and applied.

LVII. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted, or authorized to be imposed, (the Manner of levying and recovering of which is not herein otherwise particularly directed), shall, upon Proof of the Offences respectively, before any One or more Justice or Justices of the Peace of the County of *Durham*, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by virtue of a Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and to administer such Oath *gratis*,) and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels, and all such Penalties, Forfeitures, and Fines, when so paid or levied, (if not directed to be otherwise applied by this Act) shall from Time to Time be paid to the said Trustees, or to their Treasurer for the Time being, and shall be laid out and applied in putting this Act in Execution; and in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines shall not be forthwith paid, it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County of *Durham*, there to remain without Bail or Mainprize, for any Term not exceeding One Calendar Month, unless such Penalties, Forfeitures, and all reasonable Charges shall be sooner paid or satisfied.

Conviction of Offenders.

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

Form of Conviction.

'County of *Durham*.' BE it remembered, That on the Day of in the Year of His Majesty's Reign, and in the Year of our Lord *A. B.* is convicted before of His Majesty's Justices of the Peace for the said County, by virtue of an Act of the Fiftieth Year of the Reign of King *George* the Third, intituled, [*Here set forth the Title of this Act, and specify the Offence, and when and where committed*]. Given under our Hands and Seals [*or*, my Hand and Seal] the Day and Year first above written.'

LIX. And,

Persons aggrieved may appeal to the Quarter Sessions.

LIX. And be it further enacted, That if any Person or Persons shall think himself or herself aggrieved by any Thing done in pursuance of this Act, (save and except the Verdict of the Jury, as herein-before is directed), and for which no particular Relief hath been herein-before appointed, such Person may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace for the said County of *Durham*, such Appellant first giving, or causing to be given, Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Six Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded against him or her by the Justices at such respective Quarter Sessions; and the said Justices at their said Sessions, on due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall proceed in, and hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices respectively shall think proper; and the Determination of such respective Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Distress not unlawful for Want of Form.

LX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relative thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall afterwards be committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damages in an Action on the Case.

Convictions, &c. not to be quashed for Want of Form, nor removed by Certiorari.

LXI. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be quashed for Want of Form, or be liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record of *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Books to be kept.

LXII. And be it further enacted, That all Orders and Proceedings of the said Trustees in Execution of the Powers hereby to them given, shall, from Time to Time, be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Trustees, and shall be signed by the same Number of Trustees as are in and by this Act empowered to make or direct such Orders and Proceedings respectively, and shall be deemed and taken to be original Orders, which said Book or Books, and the

the Book directed to be kept for regiſtering the ſaid Mortgages and Aſſignments or Transfers, ſhall and may be produced and read in Evidence in all Courts and before all Judges, Juſtices, and other Perſons whatſoever.

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

LXIII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act in the Name of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, but that the Clerk for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be in every ſuch Action: Provided always, that every ſuch Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Charges, Damages, and Expences as by the Event, or in conſequence of any ſuch Action or Proceeding he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being made Plaintiff or Defendant as aforeſaid.

Clerk to be reimburſed his Expences.

Limitations of Actions.

LXIV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act until Twenty Days Notice thereof ſhall be given to the Clerk or Clerks of the ſaid Truſtees, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the ſaid County of *Durham*, and not elſewhere; and the Defendant or Defendants in every ſuch Action ſhall or may, at his or their Election, plead ſpecially, or 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 to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Twenty Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in other Caſes by Law.

Publick Act.

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

Commencement and Continuance of this Act.

LXVI. And be it further enacted, That this Act shall commence upon and have Continuance from the Twenty-fifth Day of *March* One thousand eight hundred and ten, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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