ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 7.

An Act for repairing the Road from *Catterick Bridge* in the County of *York*, through the Towns of *Yarm*, *Stockton*, and *Sedgefield*, to the City of *Durham* in the County of *Durham*, and for repealing an Act passed in the Twenty-eighth Year of His present Majesty for repairing the said Road.

[12th *March* 1810.]

WHEREAS by an Act of Parliament, passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for enlarging and altering the Terms and Powers of Two Acts of Parliament, made in the Twentieth and Twenty-sixth Years of the Reign of His late Majesty King* George *the Second, for repairing the Road leading from* Catterick Bridge, *in the County of* York, *to* Yarm *in the said County, and from thence to* Stockton *in the County of* Durham; *and from thence through* Sedgefield *in the said County of* Durham, *to the City of* Durham; *and for reducing the said Acts into one; and for the more effectually repairing and keeping in Repair the said Road:* It was enacted that the Term granted by the said Acts of the Twentieth, and Twenty-sixth Years of His said late Majesty, should be continued for the further Term therein limited, and that instead of the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Matters, and Things contained in the said former Acts, the Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Matters and Things therein contained, should be put in force for repairing the said Road: And whereas the Trustees appointed to put the said Three several Acts in Execution have, in pursuance of the Powers thereby given to them, borrowed several Sums of Money. 28 G. 3. c. 90.

ney, to a great Amount, on the Credit of the Tolls thereby respectively granted; which Sums still remain due with a considerable Arrear of Interest thereon, and cannot be repaid; and the said Road cannot be effectually repaired and kept in Repair, and the Money due and owing on the Credit of the said Tolls be repaid, unless the Term, Powers, and Authorities granted by the said Act now in Force, be further continued and enlarged, or new and other Tolls, Powers, and Authorities, be granted for those Purposes: And it would be convenient that all such Tolls, Powers, and Provisions, should be consolidated and contained in one Act of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Day of the Commencement of this Act, all the Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Clauses, Provisions, Matters and Things contained in the said former Act of Parliament of the Twenty-eighth Year of the Reign of His present Majesty shall cease, determine, and become void, and from thenceforth the same are hereby repealed, and instead thereof the several Tolls, Powers, Authorities, Penalties, Forfeitures, Punishments, Exemptions, Clauses, Provisions, Matters and Things herein contained, shall commence and take place, and shall be put in Execution, and continue in Force for and during the Term herein-after limited for the Purpose of amending, repairing, widening, altering, turning, improving, and keeping in Repair the said Road leading from *Catterick Bridge*, in the County of *York*, to *Yarm*, in the said County, and from thence to *Stockton* in the County of *Durham*, and from thence, through *Sedgefield* in the said County of *Durham*, to the City of *Durham*.

Term of former Act continued for twenty-one Years.

II. And in order to secure the Money due and owing on the Credit of the said former Acts, or any of them; be it further enacted, That the several Tolls and Sums of Money herein-after granted and made payable shall, during the Term herein-after limited, be and remain subject and liable to the Payment of all Sums of Money, Debts, Mortgages, and Securities which, at or immediately before the Commencement of this Act, shall be due and owing upon the Credit of the said former Acts, or any of them, and also to all Sums of Money, Debts, Mortgages, and Securities which, at any Time during the Continuance of this Act, shall become due and owing on the Credit or Security of this Act, with Interest on such of them as do or shall carry Interest respectively.

Debts contracted on the credit of former Acts secured by this Act.

III. And, in order the better to carry the Purposes of this Act into Execution, be it further enacted, That *John Arden*, *George Allan*, *John Allan*, *William Addison*, *Christopher Anstey* Clerk, *Watson Alcock*, *Benjamin Atkinson*, *John Addie* Doctor of Medicine, *Rowland Burdon*, *George Brown*, *Calverley Bewick*, *George Baker*, *Thomas Bowes of* Bradley, *Thomas Bowes of* Darlington, *Charles Brandling*, *George Brooks*, *Ralph John Brandling* Clerk, *John Brewster* the younger, *Thomas Booth*, *Robert Bower*, *John Bell*, *Robert Bell*, *Charles Baillie* Clerk, Archdeacon of Cleveland, *Thomas Baker* Clerk, *William Braithwaite*, *John Brewster* Clerk, *John Barker*, *Nathan Brunton*, *George Barrington* Clerk, *Robert Biss*, *James Britton* Clerk, *William Beckwith*, the Vicar of Bishop Middleham for the Time being, *John Carr*, *John Cartwright*, *Robert Colling* of Hurworth, *Robert*

Trustees Names.

Robert Colling of Barmpton, *Sheldon Cradock*, *William Chaytor*, *Robert Chaloner*, *Walcop Conset*, *Peter Conset*, *Robert Crowe*, *Farrow Chilton*, *John Chilton*, *William Chilton*, *William Cust* Clerk, *James Crowe*, *Matthew Crowe*, *Thomas Crathorne*, *Robert Christopher Alderson*, *Hartley Colling*, the Vicar of *Catterick* for the Time being, *Robert Clarke*, *George Coates*, the Archdeacon of *Durham* for the Time being, *John Dennison*, *William Deason* Clerk, *Edward Davison* Clerk, *Edward Davison* the younger, the Mayor, Recorder and Aldermen of the City of *Durham* for the Time being, *Lawrence Dundas*, *Heneage Dundas*, *William Dent*, *Richard Dickson*, *John Dunn*, Sir *John Eden* Baronet, *Robert Eden*, *William Eden*, *William Emm*, *Thomas Ewbank* Clerk, *Benjamin Evans* Clerk, the Rector of *Eaglescliffe* for the Time being, *George Elstob*, Sir *Thomas Frankland* Baronet, *William Frankland*, *Roger Frankland*, *Joseph Frank*, *David Burton Fowler*, *Thomas Fawell*, *Benjamin Flounders*, *John Ralph Fenwick* Doctor of Medicine, *Edward Fairless*, *Jonathan Fowler*, *John Goodchild*, *Ralph William Grey*, *Chipchase Grey*, *John Grey*, *Ralph Greenside* Clerk, *Samuel Gale* Clerk, *Thomas Greeve*, *John Goodchild* the younger, *Thomas Robinson Grey*, *John Griffith*, Sir *Robert D'Arcy Hildyard* Baronet, *George Hutchinson*, *Henry Hutchinson*, *Henry Hutchinson* the younger, *John Hutchinson*, *William Hoar*, *John Hogg*, *Thomas Hustler*, *Thomas Ellerby Hixon*, *John Hixon*, *John Harrison*, *Timothy Hutchinson*, *Robert Hutton*, Sir *Cuthbert Heron* Knight, *Thomas Hutchinson*, *Leonard William Hartley*, *Anthony Hammond*, *Fowler Hicks*, *Thomas Hayes* Clerk, *James Hewgill* Clerk, *Hendry Hopper*, *Christopher Hopper*, *Thomas Hopper* of Durham, *Michael Hardcastle*, *Thomas Hopper* of Shincliffe Grange, *John Ralph Hopper*, *William Ward Jackson*, *John Jackson* of Little Burdon, *Richard Jackson*, *William Kirton*, *Richard Kirton*, The Honourable *John Lyon*, Sir *Henry George Liddell* Baronet, Sir *Charles Lorraine* Baronet, Sir *John Lawson* Baronet, *Ralph John Lambton*, *John George Lambton*, *Robert Lascelles*, *Thomas Leighton* Clerk, *Benjamin Lumley* Clerk, *John Frederick Lumley*, the Rector of Longnewton for the Time being, Sir *Ralph Milbanke*, Baronet, *George Marwood* Clerk, *Thomas Meynell*, *George Meynell*, *George Merryweather*, *George Markham* Clerk, Dean of York, *Robert Henry Macdonald*, *Thomas Martin*, *Caleb Readshaw Morley*, *John Douthwaite Nesham*, the Vicar of Norton for the Time being, *Ralph Ord* Clerk, *Benjamin Ord*, *Henry Ornsby*, *George Ornsby*, Sir *William Pennyman* Baronet, *Richard William Christopher Pierse*, *Henry Pierse*, *John Peacock*, *James Procter*, *Charles Plumptre* Clerk, *John Proctor*, Sir *Matthew White Ridley* Baronet, *David Robinson*, *Marshall Robinson*, *William Russell*, *Matthew Russell*, *Ralph Robinson*, *Mark Ruddock*, *John Robinson*, *Haigh Robson*, *George Robinson*, *John Russell Rowntree*, *Leonard Raisbeck*, *Henry Richardson*, *Aaron Richardson*, *Bartholomew Rudd*, *William Richmond*, *Richard Richardson* Clerk, the Rector of *Sedgefield* for the Time being, *Shaftoe*, *Robert Shaftoe*, *Edward Shipperdson*, *Robert Surtees* of Mainsforth, *Robert Surtees* of Redworth, *George Sutton*, *William Sleigh*, *Charles Spearman*, *Thomas William Salvin*, *Henry Stapylton*, *John Stapylton*, *Isaac Sparke*, *Thomas Swinburne*, *Richard Stonehouse*, *Marshal Stonehouse*, *George Sayer* Clerk, *John Starkey* Clerk, *Francis Smith*, *Christopher Smith*, *George Snowden*, *Samuel Smith*, *Gordon Skelly*, *Richard Scruton*, *John Silvertop*, the Mayor of *Stockton* for the Time being, the Vicar of *Stockton* for the Time being, the Vicar of *Smeaton* for the Time being, *John Trotter*, *John Theakstone* Clerk, *Robert Thorpe* Clerk, *William Todd*, *Anthony Tilley*, Sir *Henry Vane Tempest* Baronet, *Simon Temple*, *Thomas Tunstall*, *Richard Tinkler*, *Ralph Tathame*, *Samuel Viner* Clerk, Sir *Hedworth*

Hedworth Williamſon Baronet, *Thomas Williamſon*, *Richard Wright*, *Rowland Webſter*, *William Webſter*, *Robert Hopper Williamſon*, *Thomas Wycliffe*, *Chriſtopher Wyvil* Clerk, *William Wrightſon* of *Sedgefield*, *William Wrightſon* of *Neſham*, *John Waldy*, *Robert Wilkinſon*, *James Walker*, *William Wilſon*, *John Wrightſon*, *Matthew Wadeſon*, *John Wharton*, *James Ward*, *William Leigh Williamſon* Clerk, *Richard Walker*, *George Wray* Doctor of Phyſic, *Chriſtopher White*, *Thomas Wilkinſon*, *Robert Wardell*, and the Vicar of *Yarm* for the Time being; ſhall be and they are hereby appointed Truſtees for amending, repairing, altering, improving, and keeping in Repair the ſaid Road, and for putting into Execution the ſeveral Powers and Authorities in and by this preſent Act given and granted, and for carrying into Effect the ſeveral Purpoſes of this Act.

Power to elect new Truſtees.

IV. 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 reſpective Hands refuſe to act in the Execution of this Act, it ſhall be lawful for the remaining or ſurviving Truſtees, or any Five or more of them, from Time to Time to elect and appoint one other fit Perſon to be a Truſtee in the Room of each Truſtee dying or refuſing to act as aforeſaid; provided, that publick Notice of the Time and Place of the Truſtees Meetings for every ſuch Election be given by the Clerk to be appointed by them as herein-after mentioned, to be affixed in Writing upon all the Turnpike Gates for the Time being erected upon the ſaid Road, and to be inſerted in one or more *Newcaſtle*, and one or more *York* Newſpapers, Ten Days at leaſt before every ſuch Meeting; and every Perſon who ſhall be elected and appointed a Truſtee, 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 had been named and appointed a Truſtee in and by this Act.

All Acts may be done by three Truſtees unleſs otherwiſe directed.

V. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act may be done and executed by any Three or more of the Truſtees hereby appointed, and to be elected and appointed as aforeſaid, except only in the Caſes herein particularly mentioned, as requiring a greater or leſs Number of them.

Qualification of Truſtees.

VI. Provided always, and be it further enacted, That no Perſon ſhall be qualified or capable of acting as a Truſtee in any Caſe in the Execution of this Act (other than and except the Mayor of the Borough of *Stockton* aforeſaid, and the Mayor, Recorder, and Aldermen of the City of *Durham* reſpectively, for the Time being), unleſs he ſhall be in his own Right or in the Right of his Wife, ſeiſed and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, Tythes or Hereditaments, of the clear Yearly Value of One hundred Pounds above all Repriſes and Incumbrances, or ſhall be Heir apparent of a Perſon ſo ſeiſed of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Three hundred Pounds above all Repriſes and Incumbrances, or ſhall be poſſeſſed of a perſonal Eſtate alone, or real and perſonal Eſtate together, of the Amount or Value of Three thouſand Pounds, over and above what will be ſufficient to pay all his juſt Debts; 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 Of-

fence 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 at *Weſtminſter* 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 duly qualified according to the Directions of this Act; provided alſo, That every Truſtee before he ſhall act as ſuch (except in adminiſtering the following Oath), ſhall take an Oath before One or more of the ſaid Truſtees, (who is and are hereby empowered to adminiſter the ſame), in the Form following; (that is to ſay),

Acts of a Truſtee not qualified previous to Conviction valid.

Truſtees to take an Oath.

The Oath.

'I *A. B.* do ſwear, That I am truly and *bona fide* in my own Right [*or*, in right of my Wife] ſeiſed of or entitled to Meſſuages, Lands, Tythes, or Hereditaments for ſome Eſtate for Life, or of Inheritance in Poſſeſſion, of the clear yearly Value of One hundred Pounds above Repriſes and Incumbrances, [*and in caſe of an Heir apparent*, I *A. B.* do ſwear, That I am Heir apparent to *C. D.* who, to the beſt of my Knowledge and Belief, is truly and *bona fide* ſeiſed of or entitled to Meſſuages, Lands, Tythes, or Hereditaments for ſome Eſtate for Life, or of Inheritance in Poſſeſſion, of the clear yearly Value of Three hundred Pounds above Repriſes and Incumbrances,] [*and, in caſe of perſonal Eſtate alone, or real and perſonal Eſtate together,*] I *A. B.* do ſwear, That I am truly and *bona fide* poſſeſſed of a perſonal Eſtate, [*or*, ſeiſed and poſſeſſed of a real and perſonal Eſtate together,] of the Amount or Value of Three thouſand Pounds above what will be ſufficient to pay all my juſt Debts,] and that I will truly, faithfully, and impartially, according to the beſt of my Judgement, execute and perform the ſeveral Powers, Authorities, and Truſts repoſed in me as a Truſtee by virtue of an Act paſſed in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*].'

Truſtees holding Places of Profit ſhall not act.

Truſtees who are Juſtices may act.

Mortgagees may act.

VII. Provided alſo, and be it further 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; and that any Mortgagee or Aſſignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving any Intereſt for the ſame, ſhall not on that Account be deemed unqualified to act as a Truſtee.

Truſtees ſhall not vote in particular Queſtions if they have not attended a certain time.

VIII. And be it further enacted, That no Perſon who is hereby or ſhall hereafter be nominated or appointed a Truſtee for the Execution of this Act, ſhall be capable of voting upon a Vacancy of any Office or Place of Truſt held under the ſaid Truſtees, unleſs ſuch Perſon ſhall have attended and been preſent at ſome public Meeting of the ſaid Truſtees, and have acted there as a Truſtee within the Space of Twelve Calendar Months next preceding ſuch Vacancy.

Victuallers not to be Officers.

IX. 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 Meeting of the Truſtees.

X. And be it further enacted, That the ſaid Truſtees ſhall meet at the Town Houſe in *Stockton* aforeſaid, 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 upon or near to the ſaid Road, and at ſuch Times as the ſaid Truſtees ſhall from Time to Time order and direct.

Clerk or one or more Truſtee or Truſtees may adjourn Meetings.

XI. Provided always, and be it further enacted, That if it ſhall happen that a ſufficient Number of the ſaid Truſtees ſhall not attend at any Meeting of the ſaid Truſtees to act at ſuch Meeting, then and in every ſuch Caſe the Clerk or Clerks to the ſaid Truſtees, with any Truſtee or Truſtees, who ſhall be preſent at ſuch Meeting, ſhall and may adjourn the ſaid Meeting, to any other Day within Three Months from ſuch Meeting to the Place where the laſt Meeting was appointed to be held, but ſuch Truſtee or Truſtees ſhall not do any any other Act in the Execution of this Act except adjourning ſuch Meeting as aforeſaid; provided alſo, that if at any Meeting appointed to be held by virtue of this Act there ſhall not appear any Truſtee or Truſtees to act or to adjourn, or in caſe the Truſtees at 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 Turnpike Gates for the Time being erected upon the ſaid Road, and to be inſerted in one or more of the Newſpapers publiſhed at *Newcaſtle upon Tyne*, and one or more of the Newſpapers publiſhed at *York* aforeſaid, 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 of Emergency.

XII. Provided always, 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, and of the Time, Place, and Purpoſe mentioned in ſuch Order, in the Manner laſt herein-before directed (ſuch Time not being leſs than Six Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly, but no other Buſineſs than what ſhall be ſpecified in ſuch Notice ſhall be tranſacted at any ſuch Meeting.

XIII. And

XIII. And be it further enacted, That the ſaid Truſtees ſhall at all their Meetings defray their own Expences.

Truſtees to pay their own Expences.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at all Meetings held in purſuance of this Act, and they 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, 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 a Majority of them ſhall concur.

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

XV. And for the Purpoſe of collecting and receiving the Tolls hereinafter granted and made payable; be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they or any Five or more of them ſhall direct and appoint, ſhall and may erect and continue, or cauſe to be erected and continued, 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 Byeway that does or ſhall lead into or out of the ſame, as they the ſaid Truſtees or any Five or more of them ſhall from Time to Time think proper and expedient, and alſo ſhall and may erect or provide a Toll Houſe, with ſuitable Buildings, a Garden not exceeding one Rood in the Whole, and other Conveniences, at or near each of the ſaid Toll Gates or Turnpikes; and ſhall and may from Time to Time uphold, ſupport, continue, alter, or remove ſuch and ſo many of the Turnpikes or Toll Houſes, with the Appurtenances, erected and provided by virtue of the ſaid former Acts or any of them, or which ſhall be erected and provided by virtue of this Act, as the ſaid Truſtees or any Five or more of them ſhall think proper; and ſhall and may from Time to Time provide, erect, place, uphold, and ſupport ſuch Number of Lamps upon or near to the ſaid Turnpikes or Toll Houſes, and in ſuch other Situations and Places as they ſhall judge neceſſary for the Convenience and Safety of Perſons travelling the ſaid Road; provided, that none of the ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Fourteen 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 in one or more of the Newſpapers publiſhed at *York* aforeſaid, and alſo affixed in Writing upon all the Toll Gates or Turnpikes for the Time being, ſtanding upon the ſaid Road.

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

XVI. Provided alſo, and it is hereby further enacted and declared, That all and every Toll Gate and Toll Gates already erected or hereafter to be erected on the Side or Sides of the ſaid Road, in, upon, or acroſs any Lane or Way leading into or out of the ſame, ſhall be a Ticket or Check Gate to ſome one of the Toll Gates upon or acroſs the ſaid Road, and ſhall not ſubject any Perſon or Perſons paſſing through the ſame to a double Charge or Toll; and alſo that nothing herein contained ſhall empower the ſaid Truſtees, or any other Perſon or Perſons whomſoever, to erect or place any Turnpike Gate or Toll Bar at any Place in or upon the ſaid Road nearer to the Market Croſs in the City of *Durham*,

Side Gates to be Ticket Gates.

Toll Gates not to be erected in certain places.

Durham, nor to the Market Croſs in the Town of *Stockton* reſpectively than the Diſtance of one Mile.

Toll Houſes veſted in the Clerk and Treaſurer.

XVII. And it is hereby further enacted, That the Right and Property of and in all the Toll Gates or Turnpikes and Toll Houſes erected and provided by virtue of the ſaid former Acts, or any of them, or which ſhall be erected and provided by virtue of this Act, with the ſeveral Conveniences and Appurtenances thereunto reſpectively belonging, and the Materials of which the ſame ſhall conſiſt, together with all ſuch Lamps, Poſts, Rails, Work-tools, Materials, and other Matters and Things from Time to Time purchaſed or provided for any of the Purpoſes of this Act ſhall be veſted in the Clerk or Clerks, and Treaſurer or Treaſurers of the ſaid Truſtees for the Time being, and he or they is and are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame as Occaſion ſhall require, and as the ſaid Truſtees ſhall from Time to Time order, direct, and appoint, and under the like Order, Direction, and Appointment of the ſaid Truſtees, to bring, or cauſe to be brought any Action or Actions, or to prefer and proſecute any Indictment or Indictments 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 thereto belonging, or any of the Materials, Matters or Things aforeſaid, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act.

Power to take Tolls.

XVIII. And be it further enacted, That the ſeveral Tolls herein-after particularly mentioned ſhall be demanded and taken in the ſeveral Parts, Shares, and Proportions into which the ſame ſhall be divided, allotted, apportioned and made payable, as herein-after is provided, at the reſpective Toll Gates, Turnpikes, and Side Gates erected or to be erected upon the ſaid Road, by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time appoint for that Purpoſe, before any Horſe, Beaſt, Cattle, Mare, Gelding, Mule, Aſs, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Taxed-Cart, Hearſe, Litter, Waggon, Wain, Cart, or other 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, Calaſh, Hearſe or Litter, drawn by Six or more Horſes, Mares, Geldings, Mules or other Cattle, the Sum of Twelve Shillings; and drawn by Four Horſes, Mares, Geldings, Mules or other Cattle, the Sum of Eight Shillings; and drawn by Two Horſes, Mares, Geldings, Mules, or other Cattle the Sum of Four Shillings:

And for every Chaiſe, Chair, or Taxed-Cart drawn by One Horſe, Mare, Gelding, or Mule, the Sum of Two Shillings:

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

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

For every Drove of Hogs, Swine, Goats, Sheep, or Lambs, the Sum of One Shilling and Three-pence *per* Score, and ſo in Proportion for any greater or leſs Number:

For

For every Waggon, Wain, Cart, or other 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 of that Breadth so flat or level as not to deviate more than Half an Inch from a flat Surface, and not having the interior Diameter deviating from the exterior Diameter of such Fellies more than One-sixth Part of the Sole or Bottom thereof, nor having one or more of the Tires of such Wheels to project more than the other Tires of the same Wheel, and not laden with or going for Coals, Cinders or Lime, and drawn by Eight Horses, Oxen, or other Beasts of Draught, the Sum of Ten Shillings; and drawn by Seven Horses, Oxen, or other Beasts of Draught, the Sum of Nine Shillings; and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Eight Shillings; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Seven Shillings; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Shilling:

For every 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 not having the interior Diameter deviating from the exterior Diameter of such Fellies more than One-sixth Part of the Sole or Bottom thereof, nor having one or more of the Tires of such Wheels to project more than the other Tires of the same Wheel, and not laden with, or going for Coals, Cinders, or Lime, and drawn by Four, Five, or Six Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings and Sixpence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Shilling and Sixpence:

For every 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 having the interior Diameter deviating from the exterior Diameter of such Fellies more than one Sixth Part of the Sole or Bottom thereof, or having one or more of the Tires of such Wheels to project more than the other Tires of the same Wheel, and not laden with or going for Coals, Cinders, or Lime, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Ten Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Seven Shillings; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Two Shillings:

For every 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 not having the interior Diameter deviating from the exterior Diameter of such Fellies more than One-sixth Part of the Sole or Bottom thereof, nor having one or more of the Tires of such Wheels to project more than the other Tires of the same Wheel, and laden with or going for Coals, Cinders, or Lime only, and drawn by Eight Horses, Oxen, or other Beasts of Draught, the Sum of Eight Shillings; and drawn by Seven Horses, Oxen, or

other Beasts of Draught, the Sum of Seven Shillings; and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Shilling:

For every 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 not having the interior Diameter deviating from the exterior Diameter of such Fellies more than One-sixth Part of the Sole or Bottom thereof, nor having one or more of the Tires of such Wheels to project more than the other Tires of the same Wheel, and laden with or going for Coals, Cinders, or Lime only, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings and Sixpence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by one Horse, Ox, or other Beast of Draught, the Sum of One Shilling and Sixpence:

For every 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 having the interior Diameter deviating from the exterior Diameter of such Fellies more than One-sixth Part of the Sole or Bottom thereof, or having one or more of the Tires of such Wheels to project more than the other Tires of the same Wheels, and laden with or going for Coals, Cinders, or Lime only, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Nine Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by two Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings and Sixpence; and drawn by one Horse, Ox, or other Beast of Draught, the Sum of Two Shillings:

For every Horse, Mare, Gelding, Mule or Ass, laden with or going for Coals, Cinders, or Lime only, and not drawing, the Sum of Nine Pence:

For every Waggon, Wain, Cart, or other such Carriage, laden with Lead, Copper, Coals, Cinders, or Lime, at any Time between the Thirty-first Day of *October* and the First Day of *March* in every Year during the Continuance of this Act, in addition to the Tolls herein-before impose and made payable for every such Waggon, Wain, Cart or other Carriage laden as last aforesaid, double the Amount of the same Tolls, making in the whole a Treble Toll.

And for every Waggon, Wain, Cart, or other such Carriage, laden with any Goods or Merchandize, other than Lead, Copper, Coals, Cinders, or Lime, at any Time between the Thirty-first Day of *October* and the First Day of *March* in every Year during the Continuance of this Act, in Addition to the Tolls hereinbefore imposed and made payable for every such Waggon, Wain, Cart, or other Carriage laden as last aforesaid, a further Toll or Sum of the same Amount, making a Double Toll.

And

And for every Horſe, Mare, Gelding, Mule, Aſs, Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Chair, Taxed-Cart, Hearſe, Litter, Waggon, Wain, Cart or other Carriage, and for every Drove of Oxen, Cows, Neat Cattle, Calves, Sheep, Lambs, Hogs, Goats, or Swine, which ſhall paſs through any of the ſaid Gates, Turnpikes, or Side Gates, erected or to be erected on the ſaid Road, on *Sunday* (computing the Day from Twelve of the Clock on each *Saturday* Night, to Twelve of the Clock on each *Sunday* Night), double the Tolls or Sums of Money hereinbefore mentioned or made payable at ſuch Toll Gates, Turnpikes, or Side Gates on other Days. Double Toll on Sundays.

Which ſaid reſpective Tolls it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, from Time to Time, as Occaſion ſhall require, to divide and apportion into ſuch Parts, Shares, and Proportions, and to order, direct, and appoint the ſame reſpectively to be paid at ſuch Toll Gates or Turnpikes, as they ſhall think proper; and the ſaid reſpective Tolls ſhall be payable and paid according to the Order, Direction, and Appointment of the ſaid Truſtees, or any Five or more of them, and in no other Manner; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, or any Part or Parts thereof, ſhall, after Demand thereof made by any Collector or Collectors, or other Perſon authorized or appointed to receive the ſame, neglect or refuſe to pay the ſaid Tolls or any of them, or any Part or Parts thereof, it ſhall be lawful for the ſaid Collectors or any of them reſpectively, or any ſuch other Perſon, and for any other Perſon or Perſons whom they reſpectively ſhall take to their Aſſiſtance therein, to diſtrain any Horſe, Cattle, Beaſt, or Carriage upon which any of the ſaid Tolls, or any Part or Parts thereof are by this Act impoſed, or any of the Loading, Harneſs or Accoutrements thereof reſpectively, or any of the Goods and Chattels of any ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls and the reaſonable Charges of ſuch Diſtreſs and of keeping the ſame, ſhall not be paid within the Space of Four Days after the Day of making ſuch Diſtreſs, it ſhall be lawful for the Perſon or Perſons ſo diſtraining, at any Time or Times thereafter to ſell the Horſe, Cattle, Beaſt, Carriage, Goods, and Chattels ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale to pay ſuch Tolls and all reaſonable Charges incurred by ſuch Diſtreſs, and of keeping and ſelling the ſame, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and the Goods which ſhall remain unſold (if any), upon Demand to the Owner or Owners thereof. Truſtees to apportion Tolls. Recovery of Tolls.

XIX. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs, it ſhall be lawful for the Collector or Perſon ſo diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof as the Caſe may happen, till the Amount of the Tolls, or the Charges of the Diſtreſs and Sale, and of keeping the ſame, as the Caſe may happen, be aſcertained by ſome Juſtice of the Peace for the County, Riding, or Diſtrict wherein the Cauſe of Diſpute ſhall ariſe, who, upon 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 Amount of the Toll due, and alſo aſſeſs the Charges attending or relative to ſuch Diſtreſs and Sale, and of the Attendance of the Party diſtraining for that Purpoſe upon the ſaid Juſtice; all which Sums ſo determined or aſſeſſed ſhall For ſettling Diſputes concerning Tolls.

shall be paid to the said Collector or Person distraining, before he shall be obliged to return the said Distress or the Overplus after the Sale thereof, or any Part thereof respectively.

Collectors declared competent Witnesses.

XX. 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 by or under the Authority of the said Trustees, shall be, and is, and are hereby declared not to be incompetent to give Evidence in any such Dispute, Suit, or Litigation, by reason of his or their being appointed to collect such Tolls.

No Toll to be taken for certain Carriages going empty for Coals, &c; nor for Horses, Carriages, &c. not having travelled one hundred Yards on the Road.

XXI. Provided always, and be it further enacted, That no Toll or Tolls, Duty or Duties shall be demanded, taken, or received at any Turnpike or Toll Gate erected or to be erected upon the said Road, for any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, or any other Beast belonging to any Person or Persons who is or are liable and subject to perform Statute Duty upon any Part of the said Road, going empty or unladen for Coals, Cinders, or Lime only, nor for any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, or any other Beast, unless they shall go One Hundred Yards or upwards on the said Road, any Thing herein contained to the contrary notwithstanding.

Tolls to be paid but once a Day.

XXII. 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 erected or to be erected upon the said Road, for passing or repassing at any Time or Times in any one Day (to be computed from Twelve o'Clock at Night, to Twelve o'Clock in the succeeding Night), with or driving the same Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Taxed-Cart, Hearse, Litter, Waggon, Wain, Cart or other Carriage, Horse, Gelding, Mare, Mule, Ass, Oxen, Cows, Hogs, Sheep or any other Sort of Cattle, for which such Tolls shall have been paid the same Day at the same Toll Gate or Turnpike, (except Waggons, Carts, or other Carriages laden with Copper, Lead, Coals, Lime, Cinders, Timber or Stones,) which shall not pass or repass through the same Toll Gate or Turnpike oftener than twice in any one Day without again paying such Tolls and Duties as by this Act are imposed, but all and every Person and Persons after having paid Toll once, according to the Circumstances, and producing a Ticket or Tickets denoting the Payment of such Toll, (which Tickets the said Collectors are hereby required to give *gratis* on receipt of the Tolls), shall afterwards pass and repass with the same Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Taxed Cart, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, Oxen, Cows, Hogs, Sheep or any other Sort of Cattle, Toll free during the same Day through the same Toll Gate or Turnpike, where such Toll or Tolls was or were paid.

Persons having before paid Toll going with different Cattle on the same Day, shall pay another full Toll.

XXIII. Provided nevertheless, and be it further enacted, That no Person who shall have paid Toll for the passing of any Horse or other Beast, Cattle, or Carriage through any Toll Gate or Turnpike shall, on his repassing or again passing the same Gate or Turnpike on the same Day with any different Horse or other Beast or Cattle, be exempt from the Payment of Toll, by Reason of his having before paid Toll as aforesaid.

XXIV. And

Exemptions from Tolls.

XXIV. 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 Roads, 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, to be used or laid upon Lands within the same, 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 Parishoners, 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 Toll Gates or Turnpikes 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, for the Purpose of being shoed, 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; 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 Counties of *York* or *Durham*, or the Cities of *York* or *Durham* on the Days of such Elections, or on the Day before or Day after

such Elections 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.

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

XXV. 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, 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 the evading the Tolls.

XXVI. 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 or lying near to any Toll Gate or Turnpike erected or to be erected upon the said Road, or on the Side or Sides thereof, the same not being a publick Highway; 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 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 Note or 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 without Payment of Toll; or shall assault any Gate-keeper or Collector of the said Tolls, or his, her, or their Servant or Assistant attending and being at such Turnpike Gate or Toll Bar in the Execution of his, her, or their Office or Offices; 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 thereof shall be evaded; or shall leave or cause to be left upon or near to any Part of the said Road any Carrirge, Horse, Cattle or Beast, with an Intent to evade the Payment of any of the said Tolls or any Part or Parts thereof, every Person so offending, in all or any of the Cases aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Trustees may compound the Tolls.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time as they shall see convenient, to compound and agree for any Term, not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Townships, Hamlets, Parishes or Places to or through which the said Road leads, for the passing of their Horses, Cattle, or Carriages, through all or any of the Toll Gates erected or to be erected on the said Road or on the Sides thereof respectively, so as such of the Carriages so to be compounded for, as shall be drawn by

more than One Horſe or Beaſt of Draught, ſhall not have the Sole or Bottom of the Wheels thereof of a leſs Breadth or Gauge than Six Inches; which Compoſition Money ſhall from Time to Time be paid in Advance, and in Default thereof the Compoſition or Agreement ſhall be void.

Power to leaſe Tolls.

XXVIII. And be it further enacted, That it ſhall 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 or any Part or Parts thereof, for any Term of Years not exceeding Three Years at any one Time, for the beſt Rent or Price that can be gotten for the ſame, payable at ſuch Time and under ſuch Covenants, Proviſoes, Conditions, and Agreements as the ſaid Truſtees ſhall from Time to Time think fit; they the ſaid Truſtees having the Cuſtody of ſuch Leaſe or Leaſes, or having a Counterpart thereof reſpectively, and taking from Time to Time ſuch ſufficient Security from the Perſon or Perſons to whom ſuch Tolls ſhall be leaſed or 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 from Time to Time think fit.

Tolls may be varied.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, and they are hereby authorized and empowered from Time to Time, when and as often as they ſhall think proper, to leſſen or reduce all or any of the Tolls hereby granted, or to alter the Parts, Shares, or Proportions into which the ſame ſhall be divided and apportioned at all or any of the ſaid Toll Gates or Turnpikes, and to cauſe the ſame to be collected in ſuch Manner, Parts and Proportions as they ſhall think fit, and to raiſe the ſame again, ſo as they do not exceed the Tolls by this Act granted, and ſo as every Reduction thereof be made with the Conſent of the ſeveral Perſons who ſhall be entitled to Five-ſixth Parts of the Money then due on the Security of the ſaid Tolls; but no ſuch Reduction or Alteration ſhall be made, unleſs Fourteen Days previous Notice be given for that Purpoſe, by affixing the ſame in Writing upon all the Turnpike Gates then erected upon the ſaid Road, and by inſerting ſuch Notice in one or more of the Newſpapers publiſhed at *Newcaſtle-upon-Tyne* aforeſaid, and alſo in one or more of the Newſpapers publiſhed at *York* aforeſaid.

Appointing Officers.

XXX. And be it furtlier enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered at their Firſt or any ſucceeding Meeting, 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 the Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors or other Officers, to appoint others in their ſtead; and the ſaid Truſtees are hereby authorized, out of the Monies ariſing by virtue of this Act, to allow

Salaries of Officers.

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, Service and Expences, as the ſaid Truſtees ſhall deem reaſonable.

How Officers ſhall account.

XXXI. And be it further enacted, That all the Collectors, Clerks, Treaſurers, Surveyors and other Officers who ſhall be appointed by the ſaid Truſtees as aforeſaid, 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 from Time to Time for that Purpoſe appoint, true, exact and perfect Accounts in Writing under their reſpective Hands upon Oath, (which Oath any one or more of the ſaid Truſtees is and are hereby empowered to adminiſter), of all Monies which he or they, or any of them reſpectively ſhall have received to that Time, 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 by Writing under their Hands appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer as aforeſaid, ſhall refuſe or neglect to give ſuch Account as aforeſaid, or ſhall refuſe or neglect to produce or to 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 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, and Writings or other Effects in his Cuſtody or Power, relating to the Execution of this Act; in every or any of the ſaid Caſes it ſhall be lawful for any Two or more Juſtices of the Peace for the County, Riding, or Diſtrict where the Officer or Perſon ſo making Default ſhall be or reſide; and ſuch Juſtices, upon Complaint thereof made to them by any Two or more of the ſaid Truſtees, are hereby authorized and required to make Enquiry concerning ſuch Default or Refuſal, as well by Confeſſion of the Parties themſelves reſpectively as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath the ſaid Juſtices are hereby empowered and required to adminiſter without Fee or Reward); and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch Juſtices ſhall and may upon ſuch Conviction commit him to the Common Gaol or Houſe of Correction of the ſame County, Riding, or Diſtrict, 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, and other Effects as aforeſaid, or made Satisfaction in Reſpect thereof to the ſaid Truſtees; provided always, that no Perſon ſhall be ſo committed for any longer Space of Time than Six Calendar Months.

Penalty on refuſing.

Truſtees may appoint temporary Collectors.

XXXII. And be it further enacted, That upon the Death, Incapacity, Abſconding or Abſence of any Collector, or Receiver of the ſaid Tolls any Three or more of the ſaid Truſtees (though not aſſembled at a Meeting of

of the ſaid Truſtees appointed by virtue of this Act), by Writing under their reſpective Hands ſhall and may lawfully 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 who ſhall ſo die, become incapable, abſcond or abſent himſelf, which Perſons, ſo from Time to Time nominated and appointed, ſhall have the like Powers and Authorities, and be anſwerable and accountable in the ſame Manner, in all Reſpects, as the Perſon or Perſons who ſhall ſo die, become incapable, abſcond or abſent himſelf would have had or been ſubject to, and ſhall be allowed, out of the Monies ariſing by virtue of this Act, reaſonable Salaries or Rewards for their Attendance and Services.

Officers to give Security.

XXXIII. And be it further enacted, That the ſaid Truſtees ſhall and they 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 the ſaid Truſtees ſhall think proper.

For borrowing Money on Security of the Tolls,

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any Meeting to be held in purſuance of this Act, to borrow and take up at Intereſt, upon the Credit of the Tolls to ariſe by virtue of this Act, ſuch further Sum or Sums of Money as they ſhall from Time to Time think fit; and they are hereby empowered from Time to Time, by any Writing or Writings under their reſpective Hands, to demiſe or mortgage the ſaid Tolls, or any Part or Parts thereof, for any Term or Time 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 Perſon or Perſons who ſhall advance ſuch further Sum or Sums of Money, his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, for the Money ſo to be advanced, with ſuch Intereſt for the ſame as ſhall be agreed upon not exceeding Five Pounds *Per Centum Per Annum*; and Copies of all ſuch Mortgages 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 reaſonable Times be peruſed and inſpected, without Fee or Reward; and it ſhall be lawful for all Perſons reſpectively to whom any Mortgage ſhall be made as aforeſaid, or who ſhall from Time to Time be 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 Money and Intereſt thereby ſecured, to any other Perſon or Perſons whomſoever; which Transfers reſpectively ſhall be produced and notified to the ſaid Clerk within Three Calendar Months next after the Day of the Date thereof, who ſhall cauſe an Entry or Memorial of every ſuch Transfer, containing the Date, Parties Names, and Sum of Money therein mentioned to be transferred, to be made in the ſaid Book or Books, for which Entry the ſaid Clerk 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 and under the like Reſtrictions, aſſign and transfer the ſame, and ſo *toties quoties*; and it ſhall not be in the Power of any Perſon or Perſons having made ſuch Transfer to releaſe, diſcharge, or make

Copies of Securities to be entered.

Securities may be aſſigned.

void the original Mortgage Security or the Monies due thereon, or any Part thereof.

Application of the Money.

XXXV. And be it further enacted, That all Monies which before the Day of the Commencement of this Act shall have been raised and produced by virtue of the said hereinbefore recited Act, and shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted or 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 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 this Act, or previous or relative thereto; in the Second Place, in paying the Interest now due and which shall become due previous to the Commencement of this Act, upon the several Principal Sums of Money borrowed in pursuance of the said former Acts; and in the Third Place, in paying the Interest which shall, after the Commencement of this Act, accrue upon the same Principal Sums, and upon the Principal Sums to be borrowed in pursuance of this Act respectively, and from Time to Time remaining due and owing on Mortgage or Security of the Tolls by this Act granted, without any Preference or Priority; and in the Fourth Place, in defraying the Expences of amending, repairing, widening, altering, improving, and keeping in Repair the said Road, and of executing the several other Powers, Intents, and Purposes of this Act; and lastly, in reducing, paying off and discharging such several Principal Sums, borrowed and to be borrowed in pursuance of the said former Acts and of this Act as last aforesaid, in the same Order, Course, and Priority in which the same shall appear to have been or to be originally borrowed, and charged on the Credit of the said Tolls granted by the said former Acts and this Act respectively, and to and for no other Use, Intent or Purpose whatsoever.

No Money to be applied in repairing the Town Streets of Stockton or Yarm.

XXXVI. Provided always, and be it further enacted, That no Part of the Money to be received or borrowed by virtue of this Act shall be laid out in repairing the Town Streets of *Stockton* or *Yarm* aforesaid, or either of them, any Thing herein contained to the contrary notwithstanding.

For getting Materials for repairing the Road.

XXXVII. 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 from Time to Time appoint, to dig, take, and carry away any Furze, Heath, Stone, Sand, Gravel, and other Materials proper or convenient for repairing the said Road, out of any Waste, or common River or Brook in any Parish, Town, Village, or Hamlet, wherein the said Road or any Part thereof lies, and for want of sufficient Quantities of such Materials in the Places last described, then to dig, take, and carry away the like Materials out of any Waste, or Common River or Brook in any adjacent Parish, Town, Village, or Hamlet, without making any Recompence for the same; the said Surveyor and Surveyors filling up, fencing or levelling all such Pits and Holes as shall be made or occasioned by the digging

for or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees shall judge fit and reasonable; and in case sufficient Materials cannot be gotten at convenient Distances in such Wastes, Commons, Rivers, and Brooks as aforesaid, it shall be lawful for such Surveyor and Surveyors, subject nevertheless to the Proviso and Directions next hereinafter contained, to dig for, and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any House, or inclosed Ground planted or set apart or used as a Plantation or Nursery for Trees), where such Materials are and may be found, and from Time to Time to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Road, 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 dug 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 County, Riding, or District wherein the Lands lie from which such Materials shall be taken, or over or through which the same shall have been led or carried, at their General Quarter Sessions of the Peace to be holden in and for the said County, Riding, or District next after such Difference, on Five Days Notice being 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.

Not lawful to take Materials from inclosed Grounds without Notice.

XXXVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or such other Person or Persons as aforesaid, under the Authority of this Act to dig, gather, take, or carry away any Furze, Heath, Stone, Sand, Gravel, or other Materials for making or repairing the said Road, or for any other the Purposes of this Act, in or from any inclosed Lands or Grounds, or from any Stone Quarry (as well inclosed as not inclosed), until after Fourteen Days Notice in Writing signed by the said Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the Occupier of the Lands or Grounds from which such Materials are intended to be taken, or left at his usual Place of Residence, to appear before Two or more Justices of the Peace acting for the County, Riding, or District in which such Premises shall lie, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials should not be taken away; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyor or other Officer to dig, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectualy to all Intents and Purposes as if such Occupier or Agent hath attended pursuant to such Order.

XXXIX. And

Penalty on interrupting Surveyors in getting Materials.

XXXIX. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall obſtruct or hinder the Surveyor or Surveyors appointed or to be appointed by the ſaid Truſtees, or any Perſon or Perſons employed by him or them, in the digging for, collecting, gathering, leading, or carrying away, any Gravel, Sand, Stones, or other Materials, in or from any Place or Places where he or they have a right to dig for, gather and collect the ſame, or ſhall after the ſame ſhall have been ſo gathered and collected take and carry away the ſame, every Perſon offending therein ſhall for each and every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds over and above the Value of the Materials ſo taken away.

Surveyors to remove Annoyances.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and 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, Wood, Stone, Carriages, Sawpits, or other Pits, Trees, Aſhes, Dung, Filth, Rubbiſh, Straw or otherwiſe, and to turn any Watercourſes, Gutters, Conduits, or Drains running into, along or out of the ſaid Road to the Prejudice thereof, and to open, ſcour or cleanſe, widen, 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, Shrubs, or Buſhes growing in the Hedges, Fences, or Grounds on or adjoining the ſaid Road, 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 Five 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 or any Three or more of them by Writing under their Hands, ſhall from Time to Time be reimburſed to the ſaid Surveyor or Surveyors by ſuch reſpective Owners or Occupiers neglecting to turn, open, ſcour, or cleanſe, or to deepen, widen, and enlarge any ſuch Gutter, Ditch, Conduit, Drain or Watercourſe, or to cut down ſuch Trees, Branches, Shrubs, 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 the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be impoſed are hereinafter 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 ſubſequent Offence forfeit and pay any Sum not exceeding Twenty Shillings.

To prevent Obſtructions on the Road.

XLI. And be it further enacted, That if any Coach, Diligence, Chaiſe, Cart, Waggon, Draught, or other Carriage, or any Plough or other Inſtrument of Huſbandry, with or without Horſes or other Beaſts of Draught, ſhall remain or continue in or upon any Part or Parts of the ſaid Road, or on the Sides thereof, for any longer Time than Two Hours, except for ſuch Reaſons as ſhall be ſatisfactory to the Juſtices before whom Complaint ſhall be made, the Owner or Driver of every ſuch Coach, Diligence, Chaiſe, Cart, Waggon, Draught or other Carriage, Plough, or Inſtrument of Huſbandry, ſhall for every ſuch Offence forfeit and pay any

any Sum not exceeding Forty Shillings, to be recovered, levied and applied in Manner hereinafter directed.

Penalty on leaving Manure, &c. on the Side of the Road.

XLII. And be it further enacted, That no Dung, Aſhes, Compoſt, Manure, Timber, Stones, or other Thing ſhall be unloaded and laid down upon any Common or Waſte Grounds adjoining any Part of the ſaid Road, nor ſhall any Dung or other Refuſe ſcraped from off the ſaid Road be laid nearer the Side thereof than the Diſtance of Thirty Feet, nor ſhall any Dung, Aſhes, Compoſt, Manure, Timber, Stones, or other Thing be laid, conveyed or thrown, from any of the Lands or Grounds adjoining the ſaid Road, in or upon the ſaid Road nearer the Side thereof than the Diſtance of Thirty Feet, upon Pain that the Perſon or Perſons ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Twenty Shillings, to be recovered, levied and applied in Manner hereinafter directed.

Timber or Stones to be drawn on Wheel Carriages.

XLIII. And be it further enacted, That if any Perſon ſhall pull or draw, or cauſe to be pulled or drawn upon any Part of the ſaid Road any Tree or Piece of Timber, or any Stone, otherwiſe than upon Wheel Carriages, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon Wheel Carriages, to drag upon any Part of the ſaid Road to the Prejudice thereof, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings.

To prevent Encroachments by Fences.

XLIV. And be it further enacted, That no Perſon or Perſons whatſoever ſhall make, raiſe or ſet, any new Wall, Hedge, Fence or Fences, of Thorns or Quicks in or upon any of the Lands or Grounds next adjoining to the ſaid Road, nearer to the Centre thereof than Fifteen Feet, nor ſhall in any Manner take in or incloſe any of the Lands or Grounds next adjoining to the ſaid Road; and that if any new Incloſure, Wall, Fence or Hedge, contrary to the Directions contained in this Act, ſhall hereafter be made, it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, from Time to Time upon their View and Sight of ſuch new Incloſure, Wall, Fence or Hedge ſo to be made, to order ſuch new Incloſure, Wall, Fence, or Hedge to be levelled, thrown down and removed, and to levy the Expence attending ſuch levelling, throwing down and Removal upon the Offender or Offenders, in the ſame Manner as the other Penalties and Forfeitures inflicted by this Act are directed to be levied.

Surveyors may make Cauſeways and cut Drains.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor and Surveyors, and ſuch other Perſon and Perſons as ſhall be appointed by the ſaid Truſtees, by Order of the ſaid Truſtees to make Cauſeways in or along the Side of the ſaid Road, and to cut or make Ditches, Drains, or Watercourſes upon and through any Grounds lying contiguous to the ſaid Road, and to erect and keep in Repair Bridges and Arches over and acroſs ſuch Ditches, Drains, or Watercourſes, and alſo to make Ditches or Trenches in ſuch Places and in ſuch Manner as ſuch Surveyor or Surveyors, and ſuch other Perſon and Perſons by Order of the ſaid Truſtees, ſhall judge neceſſary, and to make ſufficient Fenders, Barriers, and other Erections on any Part or Parts of the ſaid Road, in order to prevent any River or Current of Water from flooding the ſame, as ſuch Surveyor or Surveyors, or other Perſon or Perſons by Order of the ſaid Truſtees, ſhall judge neceſſary; and alſo to make or cauſe to be

Surveyors may make a Road through private Grounds whilſt the old Road is amending; making Satisfaction;

and in caſe of Difference Juſtices at the General Quarter Seſſions to ſettle Damages.

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 Road whilſt the old Road ſhall be repairing or widening, and until the ſame ſhall be made ſafe and convenient for Travellers, making ſuch Satisfaction to the Owners or Occupiers of ſuch Grounds 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 County, Riding, or Diſtrict, wherein the Matter in Difference ſhall ariſe, at their General Quarter Seſſions of the Peace to be held for ſuch County, Riding, or Diſtrict, next after ſuch Difference ſhall ariſe.

Power to alter, turn, and widen the Road, and to purchaſe Lands.

XLVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any Time or Times to widen the ſaid Road, and to divert, turn, or alter the Courſe or Direction of any Part or Parts thereof, and to make a new and convenient Carriage Road through or over any Waſte Ground, without making any Satisfaction for the ſame, and alſo through or over any private Lands or Tenements (except as is herein-after mentioned), firſt making Satisfaction to the Owners thereof and Perſons intereſted therein for the Damages they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of, and Perſons intereſted in any private Lands or Tenements for the Purchaſe thereof, or for the Loſs or Damage which ſuch Perſons and Owners intereſted, or any of them, ſhall or may any Ways ſuſtain by making, turning, widening, or altering any Part or Parts of the ſaid Road; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whomſoever, for and on Behalf of any Infants, Femes Coverts, *Ceſtuique* Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Tenements, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell to them all or any of ſuch Lands or Tenements as Occaſion ſhall require; and all Contracts and Sales ſo made ſhall, without any Conveyance or Aſſurance in Law, be valid and effectual to all Intents and Purpoſes whatſoever, any Law, Statute, Uſage, or any other Matter or Thing to the contrary thereof 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 Owners, Proprietors, Occupiers, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Tenements, upon Notice in Writing by the Clerk or Treaſurer of the ſaid Road to him, her, or them given, or left at the reſpective Dwelling Houſes or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the

Power to Corporations, &c. to ſell.

The Recompence to be ſettled by a Jury in certain Caſes.

Lands

Lands or Tenements ſo to be taken in, and added to any Part of the ſaid Road, or into which any Part or Parts of ſuch Road are or is to be turned or altered as aforeſaid, ſhall, for the Space of Ten 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 prevented 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 Oaths of a Jury of Twelve indifferent Men of the County wherein ſuch Lands or Tenements are ſituate, (which Oaths any One or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, or other Perſon or Perſons intereſted for or on Account of the taking of ſuch Lands or Tenements into the ſaid Road, or of turning any Part or Parts of ſuch Road into the ſame Lands or Tenements; and in order thereto the ſaid Truſtees are hereby empowered and required, from Time to Time as Occaſion ſhall require, to ſummon and call before the ſaid Jury and examine upon Oath all and every Perſon or 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 one or more of the ſaid Truſtees is and 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 other lawful Ways and Means, as well for their own as for 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 Damages, Recompence and Satisfaction, the ſaid Truſtees ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Owners or Occupiers of, or other Perſons intereſted in the ſaid Lands or Tenements, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Order, ſo had and made, ſhall be final, binding, and concluſive to all Intents and Purpoſes againſt all Parties and Perſons whomſoever, claiming any Eſtate in Fee Simple or Fee Tail, for Life or Lives, or Years in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Succeſſors, Executors and Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas, and under any other Diſability whatſoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County in which ſuch Lands or Tenements lie, or in caſe ſuch Sheriff or his Deputy or Deputies ſhall be any Ways intereſted in the Matter in queſtion, then to ſome One of the Coroners of the ſame County not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to empannel, ſummon, and return a Jury of Twenty-four honeſt and indifferent Men, qualified according to Law to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, his Deputy or Deputies, or Coroner, is and are hereby required to empannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo empannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees or any One or more of them ſhall ſwear, or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid,

Their Verdict to be final.

Sheriff to ſummon Juries.

aforeſaid, and in Default of a ſufficient Number of Jurymen the ſaid Sheriff, his Deputy or Deputies, or Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service (being qualified as laſt aforeſaid), 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, his Deputy or Deputies, Bailiffs or Agents, or ſuch Coroner making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, unleſs prevented by Sickneſs or other ſufficient Cauſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or on being ſo ſworn, refuſe to give, or not giving their Verdict, or in any other Manner 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; provided, that any ſuch Fine ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Perſon for any one Offence.

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

How the Purchaſe Money is to be paid.

XLVII. And be it further enacted, That every Sum of Money, Recompence and Satisfaction, which ſhall be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of Monies which ſhall ariſe and be produced by virtue of this Act, either into the Bank of *England* or to the Parties or Perſons reſpectively entitled thereto, or to their Agents according to the Directions herein-after contained, as the Caſe may be; and upon Payment thereof, or in caſe of Refuſal to accept the ſame, or of the Parties not being to be met with, upon leaving the ſame in the Hands of the Treaſurer of the ſaid Road, for the Uſe of ſuch Parties or Perſons, and after Ten Days Notice thereof, to ſuch Parties or Perſons or their Agents, all Owners and Occupiers of, and Perſons intereſted in ſuch Lands or Grounds ſhall thenceforth be diveſted of all Right, Title, Claim, Intereſt, and Property of, in, to, or out of the ſame, and ſuch Lands or Grounds ſhall be laid into and made Part of the ſaid Road in ſuch Manner as the ſaid Truſtees ſhall direct, and ſhall be by them, or by ſuch Perſon or Perſons as they ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall thenceforth to all Intents and Purpoſes whatſoever, become, and for ever afterwards be, a common Highway, and ſhall be deemed Part of the Road to be repaired by virtue of this Act, and ſhall be repaired accordingly; and after ſuch new Road ſhall be compleated, the Lands conſtituting the former Road or any Part thereof, unleſs leading over ſome Waſte Ground or to ſome Town, Village, or Hamlet, to which ſuch New Road doth not lead, ſhall be veſted in the ſaid Truſtees for the Time being, and they are hereby empowered to ſell the ſame, and by Indenture of Bargain and Sale, duly executed by any Five or more of the ſaid Truſtees, and enrolled with the Clerk of the Peace for the County, Riding, or Diſtrict wherein ſuch former Road is ſituate, to convey the Fee Simple and Inheritance thereof to the Purchaſer or Purchaſers thereof, or as he or they ſhall direct.

Power to ſell old Roads.

XLVIII. And

How the Expences of the Jury, &c. are to be paid.

XLVIII. And be it further enacted, That in caſe any Jury or Juries, to be ſummoned and ſworn purſuant to the Authority of this Act, ſhall give in a Verdict or Aſſeſſment for more Monies as a Recompence or Satisfaction for the Right, Intereſt, or Property of any Perſon or Perſons in any ſuch Lands or Grounds, or for any ſuch Damage as aforeſaid, than what ſhall have been agreed to and offered for the ſame by the ſaid Truſtees before the ſummoning and returning of ſuch Jury or Juries, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes for the Purpoſes aforeſaid, and recompenſing them reſpectively for the Expences and Trouble of their Journey and Attendance, ſhall be paid by the ſaid Truſtees out of the Monies which ſhall ariſe by virtue of this Act; but if any Jury or Juries, ſo ſummoned and ſworn as aforeſaid, ſhall give in a Verdict or Aſſeſſment for no more or for leſs Monies as ſuch Recompence and Satisfaction as aforeſaid, than ſhall have been agreed to and offered by the ſaid Truſtees for the ſame before the ſummoning and returning of the ſaid Jury or Juries, then the Coſts and Expences of ſummoning and maintaining ſuch Jury and Witneſſes, and of recompenſing them reſpectively for the Expences and Trouble of their Journey and Attendance, ſhall be paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have had ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been ſettled by ſome Juſtice or Juſtices of the Peace for the Counties of *Durham* and *York* or either of them, (not intereſted in the Matter in queſtion, who is and are hereby empowered and required to examine and ſettle the ſame), ſhall and may be deducted out of the Money ſo adjudged or aſſeſſed, as ſo much Money advanced to and for the Uſe of ſuch Perſon and Perſons; and Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to be a Payment or Tender of the whole Sum or Sums ſo adjudged or aſſeſſed, or otherwiſe ſuch Coſts and Expences may be recovered by ſuch Ways and Means as are herein-after provided for the Recoveryof the Penalties, Forfeitures and Fines, by this Act authorized to be impoſed; 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; provided alſo, that no Perſon ſhall act as a Truſtee in any Caſe relating to the contracting for, or purchaſing of any Lands, Grounds, or Hereditaments wherein he ſhall be perſonally intereſted, any Thing herein contained to the contrary notwithſtanding.

Truſtees not to act where intereſted.

Dwelling-houſes, Gardens, &c. not to be damaged.

XLIX. Provided always, and be it further enacted, that nothing in this Act contained ſhall empower the ſaid Truſtees, or any other Perſon or Perſons, to pull down or damage any Dwelling-houſe or other Building, or to take away or damage any Ground having been uſed as a Garden, Orchard, Yard, Walk, or Avenue, to any Houſe, or as a Plantation, or Nurſery of Trees, for the Space of Twelve Calendar Months then laſt paſt, without the Conſent in Writing of the Owner or Owners of every ſuch Dwelling-houſe, or other Building, Garden, Orchard, Yard, Walk, Avenue or Plantation or Nurſery of Trees reſpectively, his, her, or their Agent or Agents, under their reſpective Hands for that Purpoſe firſt had and obtained, any Thing herein contained to the contrary notwithſtanding.

Roads diſcontinued not to be repaired,

L. Provided alſo, and be it further enacted, That in caſe the ancient or former Road over any Waſte Grounds ſhall by virtue of this Act be turned or diverted, the Inhabitants of the Pariſh, Townſhip or Hamlet wherein

wherein the ancient or former Road, which ſhall thereby be left or discontinued, lieth, ſhall not be obliged to repair ſuch ancient or former Road, unleſs the ſame lead to ſome Town, Village, or Hamlet, with which the new Road doth not communicate.

Directing Pieces of old Roads to be offered for Sale to the Proprietors of the adjoining Lands.

LI. Provided always, and be it further enacted, That the ſaid Truſtees before they ſhall ſell and diſpoſe of any Piece or Pieces of old Roads, ſhall firſt offer the ſame to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame reſpectively, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County where ſuch Piece or Pieces of old Road or Ground ſhall lie, by ſome Perſon or Perſons no ways intereſted in the ſaid Piece or Pieces of old Road or Ground, 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 ſame was ſo offered, ſhall be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or was refuſed by the Perſon or Perſons to whom ſuch Offer 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 with reſpect to diſputed Value of Lands to be purchaſed by the ſaid Truſtees in purſuance of this Act; and the Expences of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein directed with reſpect to Purchaſes 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 of ſuch Piece or Parcel of old Road or Ground as aforeſaid ſhall be applied to 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 Money; provided alſo, that no Perſon ſhall act as a Truſtee in any caſe relating to the contracting for, or purchaſing of any Lands, Grounds, or Hereditaments, wherein he ſhall be perſonally intereſted.

Truſtees not to act when intereſted.

Application of Compenſation Money if amounting to 200*l.*

LII. And be it further enacted, That if any Money ſhall be agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of this Act, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, if the ſame amount to Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments in the Purchaſe of the Land Tax, or 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, Tenements or Hereditaments, or affecting other Lands, Tenements, or Hereditaments

ments ſtanding ſettled 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 Directions and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the 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, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

If under 200l. and above 20l.

LIII. Provided always, and be it further enacted, That if any Money ſo agreed or aſſeſſed to be paid for any Lands, Tenements, 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 Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by the Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in the Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where leſs than 20l.

LIV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or aſſeſſed to be paid as herein-before-mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the 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.

LV. And

In case of not making out Titles;

LV. 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 Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Purchase Money to be paid into the Bank.

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

LVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the 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, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to 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

LVII. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled

titled 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.

Expences of Purchaſes to be paid by Truſtees.

LVIII. And be it further enacted, That where any particular Part or Parts of the ſaid Road or any Bridges (and particularly the Bridges called *Shincliffe* Bridge and *Yarm* Bridge), Arches, Drains, or Sewers, lying in and upon the ſaid Road, 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 the North Riding of the ſaid County of *York*, or either of them, or any Ward, Pariſh, or Townſhip therein reſpectively, 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 be maintained and kept in Repair by ſuch Perſon and Perſons, Bodies Politic and Corporate, County, Riding, Wards, Pariſhes or Townſhips, and in ſuch Manner as the ſame heretofore were reſpectively maintained and kept in Repair before the paſſing of this Act.

Lands liable to Repairs of Bridges and Road to continue ſo.

LIX. Provided always, That all and every Perſon and Perſons who by Law are chargeable with, or liable to contribute to the Repairs of any particular Part or Parts of the ſaid Road, or of any Bridges, Arches, Drains or Sewers upon the ſame, ſhall ſtill remain ſo chargeable and liable, and alſo ſhall do their reſpective Statute and other Work in or upon the ſaid Road and other Highways of the Pariſhes, Townſhips or Places in which ſuch Part or Parts of the ſaid Road, or ſuch Bridges, Arches, Drains or Sewers do reſpectively lie (ſubject nevertheleſs to the Regulations herein-after contained concerning the ſame), and where any old Road ſhall be diſcontinued by virtue of this Act, ſuch Statute and other Work ſhall be performed upon the new Road made in lieu thereof.

Perſons liable to the Repairs of the Road to continue ſo.

LX. And for aſcertaining and determining what Part of the Statute Work ought to be performed on the ſaid Road by the Inhabitants of the ſeveral Pariſhes, Townſhips and Diſtricts through which the ſaid Road paſſes, and what Proportion of the Money received by the Surveyor or Surveyors of the Highways for ſuch ſeveral Pariſhes, Townſhips, and Diſtricts, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be paid to the Truſtees of the ſame Road or their Treaſurer; be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace within their reſpective Juriſdictions, and they are hereby required and empowered upon Application made to them by the ſaid Truſtees, or by their Treaſurer, Clerk, or Surveyor, from Time to Time to adjudge and order what Part of the Statute Work ſhall be done in or upon the ſaid Road hereby directed to be repaired, and for what Space of Time

How Statute Work and Compoſition Money ſhall be apportioned.

and in what Manner the ſame ſhall be done upon ſuch Road, by the Inhabitants of each and every or any of the Pariſhes, Townſhips or Diſtricts in or through which the ſame Road does or ſhall paſs; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh, Townſhip, or Diſtrict, 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 Survevors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons, within Six 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 for the Repairs of Publick Highways, and out of ſuch Liſts the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons as ſhall appear ſubject and liable to the Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Roads as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time 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 ſaid Juſtices ſhall direct, and in Default of Payment thereof the ſame ſhall or 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 for the Repair of the publick Highways; and if any Perſon who ſhall come or be ſent 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 that 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

the 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 Five Pounds.

Truſtees may compound for Statute Work.

LXI. And be it further 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, and Places through which the ſaid Road doth or may lead to compound and agree, by the Year or otherwiſe, with the ſaid Truſtees for the Statute Work to be performed by the Inhabitants of ſuch Pariſhes, Townſhips, and Places, upon any Part of the ſame 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 Townſhip or Pariſh Surveyors reſpectively, ſhall be reimburſed the Monies by them paid in ſuch Manner as herein-after mentioned.

Compoſition Monies how to be received.

LXII. Provided always, and be it further enacted, That in caſe any Compoſition Money agreed to be paid for or in lieu of any Statute or Days Work of the Inhabitants of any Pariſh, Townſhip, or Places wherein the ſaid Road doth or ſhall lie, 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 any Two or more Juſtices of the Peace within their reſpective Juriſdictions, by Writing under their reſpective Hands and Seals, to empower the Perſon or Perſons authorized by the ſaid Truſtees, or any Three or more of them to receive ſuch Compoſition Money, Oath having firſt been made that the ſame hath been demanded and remains unpaid (which Oath the ſaid Juſtices are 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 Place, 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 diſtrained upon Demand, after the Charges of ſuch Diſtreſs and Sale ſhall have been thereout deducted.

How Surveyors are to be reimburſed the Compoſition Money.

LXIII. Provided alſo, and be it further enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any Pariſh, Townſhip 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 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

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.

Truſtees may contract for Repairs.

LXIV. 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 repairing, widening, turning or altering 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 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.

Books to be kept;

and to be Evidence.

LXV. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees in the Execution of the Powers hereby to them given ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, and ſuch Orders and Proceedings, ſo entered, ſhall be ſigned by the ſame Number of the 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 alſo the Books 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 and Juſtices whomſoever.

Road to be meaſured and Mile-ſtones erected.

LXVI. And be it further enacted, That the ſaid Truſtees may cauſe the ſaid Road to be meaſured, and Stones or Poſts to be ſet up and renewed in, upon, or near to the Sides thereof at the Diſtance of one Mile from each other, with Inſcriptions thereon, denoting the Diſtance of every ſuch Stone or Poſt from any Town or Place, in ſuch Manner as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull down, break or damage any ſuch Stone or Poſt, or any Stone or Poſt which ſhall have been erected by virtue of the Acts heretofore paſſed for the Repair of the ſaid Road, or obliterate any Inſcription which ſhall have been or may be made thereon, or ſhall cauſe or procure the ſame to be done, and be thereof convicted upon Oath by one or more credible Witneſs or Witneſſes, or by his or her own Confeſſion before any Juſtice of the Peace for the County, Riding, or Diviſion, wherein ſuch Offence ſhall be committed, every ſuch Perſon ſo offending ſhall forfeit any Sum not exceeding Forty Shillings for every ſuch Stone or Poſt ſo pulled down, broken, or damaged, or Inſcriptions ſo obliterated, whereof one Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the other Penalties are herein-after directed to be applied.

Truſtees may erect Engines and weigh Waggons &c.

LXVII. And be it further enacted, That the ſaid Truſtees ſhall and may if they think proper, erect or cauſe to be erected at or near any Toll Gate or Turnpike to be continued or erected by virtue of this Act, or at ſuch other convenient Place or Places at, upon, or near the ſaid Road as the ſaid Truſtees ſhall think fit, any Crane, Machine, or Engine for weighing Carts,

Waggons, or other Carriages which ſhall paſs or repaſs on the ſaid Road, or any Part thereof, and they ſhall and may, by Writing under their Hands, order and direct all and every or any of ſuch Carts, Waggons, or other Carriages which ſhall paſs or repaſs on the ſaid Road, or any Part thereof, together with or without the Loading thereof, to be weighed.

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

LXVIII. And be it further enacted, That all Penalties, Forfeitures and Fines by this Act impoſed or authorized to be impoſed (the Manner of levying and recovering of which is not herein otherwiſe particularly directed), ſhall upon Proof of the Offence or Offences reſpectively before any one or more Juſtice or Juſtices of the Peace for the County, Riding, or Diſtrict, wherein ſuch Offence or Offences reſpectively ſhall be committed, 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 ſo offending, by 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 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, and ſuch Penalties, Forfeitures and Fines ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice or Juſtices of the Peace, and he or they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals (which Warrant he and they is and are hereby authorized and empowered to grant), to cauſe ſuch Offender or Offenders to be committed to the Common Gaol or Houſe of Correction for the County, Riding, or Diſtrict wherein ſuch Offence ſhall be committed, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months, unleſs ſuch Penalties, Forfeitures, and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

Diſtreſs not unlawful for Want of Form.

LXIX. 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 Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining.

Form of Conviction.

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

'County of } BE it remembered, That on [*Time of Conviction*] at [*Place*
'to wit. } *of Conviction*] *A. B.* [*Name of Offender*] of [*Addition of*
'*Offender*] was duly convicted before me [*or* us] [*Name and Style of con-*
'*victing Juſtice or Juſtices*] for that the ſaid *A. B.* [*Name of Offender*] on
'[*Time of committing Offence*] at [*Place of committing the Offence*] did [*here*
'*ſtate the Offence againſt the Act according to the Fact*] contrary to the Form
'of the Statute made in the Fiftieth Year of the Reign of His Majeſty King
'*George* the Third, intituled, [*here ſet forth the Title of this Act*] and I [*or*
'we] do therefore declare and adjudge that the ſaid *A. B.* [*Name of Offender*]
'hath forfeited for his ſaid Offence the Sum of [*Fine*] or ſhall be com-
'mitted to [*Place of Impriſonment*] for the Space of [*Time of Impriſonment*].

'Given under my Hand and Seal [*or* our Hands and Seals]
, the Day and Year firſt above written.'

Proceedings not to be quaſhed for Want of Form.

LXXI. Provided always, and be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order made, or other Matter or Thing to be done or tranſacted in, or relating to the Execution of this Act, ſhall be vacated or 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 at *Weſtminſter* or elſewhere; any Law or Statute to the contrary notwithſtanding.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, and for which no particular Relief hath been hereinbefore appointed, ſuch Perſon or Perſons may, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace for the County, Riding, or Diviſion in which ſuch Cauſe of Complaint ſhall ariſe, ſuch Appellant or Appellants firſt giving or cauſing to be given, Fourteen Days Notice at leaſt in Writing, of his, her, or their 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 ſuch County, Riding, or Diviſion, 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, her, or them, by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at their ſaid Seſſions, on due Proof of ſuch Notice being given as aforeſaid, and of the 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 Coſts to the Party appealing or appealed againſt as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intent and Purpoſes.

Truſtees may ſue and be ſued in the Name of their Clerk or Treaſurer;

LXXIII. 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 or Treaſurer for the Time being, and that no Action or Suit brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, or by the Act of any ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, but that the Clerk or Treaſurer for

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 and Treaſurer 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 ſo made Plaintiff or Defendant as aforeſaid. his Expences to be paid.

LXXIV. 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 County wherein the Cauſe thereof aroſe, 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 it ſhall appear that the ſame hath 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 than as aforeſaid, that 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 or Defendants 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. Limitation of Actions.

LXXV. 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. Publick Act.

LXXVI. And be it further enacted, That this Act ſhall commence on the Firſt Day of *June* in the preſent Year One thouſand eight hundred and ten, and ſhall continue in Force until the Firſt Day of *June* One thouſand eight hundred and thirty-one, and from thence to the End of the then next Seſſion of Parliament. Commencement and Continuance of this Act.

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