ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxiv.

An Act for continuing and amending Four Acts of their late Majesties King *George* the Second and King *George* the Third, for repairing the Road from *North Shields* in the County of *Northumberland*, to the Town of *Newcastle-upon-Tyne*; and certain Branches communicating therewith.

[8th *July* 1820.]

WHEREAS an Act was passed in the Twenty-second Year of His late Majesty King *George* the Second, intituled *An Act for repairing the Road from* North Shields *in the County of* Northumberland, *to the Town of* Newcastle-upon-Tyne: 22 G. 2. c. 9.
And whereas another Act was passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Twenty-second Year of His late Majesty King* George *the Second, for repairing the Road from* North Shields *in the County of* Northumberland *to the Town of* Newcastle upon Tyne: 14 G. 3. c. 115.
And whereas another Act was passed in the Thirty-sixth Year of the Reign of His said late Majesty, intituled *An Act for continuing the Terms of certain Acts for repairing the Road from* North Shields *in the County of* Northumberland, *to the Town of* Newcastle-upon-Tyne: 36 G. 3. c. 130.
And whereas another Act was passed in the Fiftieth Year of the Reign of His said late Majesty, intituled *An Act to continue and amend Three Acts passed in the Twenty-second* 50 G. 3. c. 49.

Year of His late Majesty, and the Fourteenth and Thirty-sixth Years of His present Majesty, for repairing the Road from North Shields *in the County of* Northumberland, *to the Town of* Newcastle-upon-Tyne, *and to make and repair certain additional Branches of Road communicating therewith:* And whereas several considerable Sums of Money are due and owing upon the Credit or Security of the Tolls authorized to be collected upon the said Road and Branches, and the same cannot be repaid, nor can the said Road and Branches be effectually amended, improved, and kept in Repair, unless the said Acts be continued for a further Term, and it is expedient that the Tolls to be collected upon the said Branches should be increased, and that the same, together with the Tolls to be collected on the said Road should be united into One Fund, and that some of the Powers and Provisions in the said Acts contained should be altered, amended, and enlarged, and further Powers and Authorities granted for more effectually repairing and improving the said Roads and Branches: 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,

Acts continued for a further Term.

That the several Authorities, Powers, Provisions, Tolls, Exemptions, Clauses, Matters, and Things contained in the said several recited Acts, and which are now in force, (except such as are varied, altered, or repealed, or as are repugnant to or otherwise provided for by any of the Clauses or Provisions contained in this Act) shall be and continue in full force and effect, and shall be put in Execution for repairing and improving the said Road leading from *North Shields* to *Newcastle-upon-Tyne* aforesaid, and also the several Branches of Road communicating therewith, during the Term herein-after granted, as effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act with relation thereto; and that this Act, and the Tolls and Powers by the said recited Acts and by this Act granted, shall be and are hereby declared to be subject or liable to the Payment of all Monies now due on the Credit or Security of the said former Acts, and to all Monies which shall or may be hereafter borrowed on the Credit or Security of this Act, and to all Interest due and to become due on the same respectively, save and except as herein-after is otherwise provided in that Behalf.

Additional Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Northumberland*, together with such other Persons, not exceeding the Number of Ten, as the said Trustees, or any Five or more of them, shall at their First or any subsequent Meeting, nominate in that Behalf, (being qualified as herein-after mentioned), shall be and they are appointed Trustees for amending and keeping in Repair the Road and Branches comprised in the said recited Acts and this Act, and for putting the same Acts and this Act in Execution.

New Qualification of Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee, in any case, in the Execution of the said recited Acts and this Act, unless he shall be in his own

Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person or Persons having a Real Estate of the clear yearly Value of One hundred and fifty Pounds, or shall have and be possessed of a Personal Estate, or of Real and Personal Estate together of the Value of Four thousand Pounds, above what shall be sufficient to pay all his just Debts, and unless every such Trustee shall take and subscribe an Oath, or being One of the People called *Quakers*, an Affirmation in the Presence of Five or more of the Trustees for the Time being, who are hereby authorized to administer the same, in the Form following; (that is to say),

'I *A. B.* do swear, That I am in my own Right [*or*, in the Right of my Wife] truly and *bonâ fide* seised of [*or*, entitled to] and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; [*and in case of an Heir Apparent*] I *A. B.* do swear, That I am Heir Apparent of *C. D.* who to the best of my Knowledge and Belief is truly and *bonâ fide* seised of [*or*, entitled to] and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes; [*and in case of Personal Estate or Real and Personal Estate together*], I *A. B.* do swear, That I truly and *bonâ fide* have and am possessed of Personal Estate, [*or*, Real and Personal Estate together, *according to the Circumstances*], of the Amount or Value of Four thousand Pounds over and above what shall be sufficient to pay all just Debts; and that I will truly and faithfully act in the Execution of the Powers and Trusts reposed in me by virtue of an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*]. So help me GOD.'

And if any Person, not being so qualified, shall presume to act as such Trustee contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or 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, without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act.

Same Person not to be Clerk and Treasurer.

IV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or any of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said

said recited Acts and this Act, or any of them, or to continue or appoint the same Person who has been or may be appointed to act as their Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts and this Act, or any of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said recited Acts and this Act, or any of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Clause requiring Officers to account on Oath repealed.

V. And be it further enacted, That so much of the said recited Acts as directs or requires any Receivers, Collectors, Surveyors, or other Officers or Persons to account upon Oath before the said Trustees, and subjects them to any Penalty for refusing to verify their Accounts upon Oath, and as authorizes any Person to administer any such Oath, shall be and the same is hereby repealed and made void.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of Trustees and Creditors.

VI. And be it further enacted, That the Trustees of the said recited Acts and this Act shall and they are hereby required, from Time to Time and all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Road and Branches, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any of them, or any Creditor or Creditors on the Tolls granted by the said recited Acts or by this Act, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case any Clerk shall refuse to permit, or shall not permit, any of the said Trustees or Creditors to inspect the same Book or Books, or to take Copies or Extracts as aforesaid, the Clerk so refusing shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Collectors to deliver Tickets on Receipt of the Tolls specifying the Gates freed.

VII. And be it further enacted, That the several Collectors of the Tolls granted or made payable by the said recited Acts, and by this Act, shall on Receipt of such Tolls deliver or tender to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates to be freed or exempted from Toll by such Payment.

VIII. And

Regulations as to Toll Collectors.

VIII. And be it further enacted, That every Toll Collector, being a Lessee or Renter of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Renter, Lessees or Renters, to collect the Tolls payable at any Turnpike, Toll Gate, or Toll Bar to be continued or erected by virtue of the said recited Acts and of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately on his beginning to collect such Tolls or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in Black Letters on a White Ground, or in White Letters on a Black Ground, and shall continue the same so placed during the whole Time he shall collect such Tolls, or be upon such Duty; and if any Collector of the Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer or shall in any way hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having paid or tendered the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket to denote the Payment of the Tolls, and naming and specifying the several Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger, then in every such Case every such Toll Collector shall, on being duly convicted thereof on the Oath of One Witness, forfeit and pay for every such Offence such Sum, not exceeding Forty Shillings, as the Justice or Justices before whom the Information shall be made shall adjudge.

Former Tolls to cease.

IX. And be it further enacted, That from and after the passing of this Act the Tolls granted by the said last recited Act, and now payable upon the said Road and Branches, shall cease and be no longer paid or payable, and instead and in lieu thereof there shall and may be demanded and taken, at the several Toll Gates or Turnpikes already erected or hereafter to be erected upon the said Road and Branches, the Tolls following; (that is to say),

	Tolls on the Road.		Tolls on the Branches.	
	s.	*d.*	*s.*	*d.*
For every Horse, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, or such other like Carriage, the Sum of - - - -	0	4½	0	2
For every Horse, Mule, or Ass, laden or not laden, and not drawing, the Sum of -	0	1½	0	1
For every Drove of Oxen, Cows, or Neat Cattle, Nine-pence *per* Score, and so in Proportion - - - -	0	9	0	4

	Tolls on the Road.		Tolls on the Branches.	
	s.	*d.*	*s.*	*d.*
For every Drove of Calves, Hogs, Goats, Sheep, or Lambs, Four-pence Halfpenny *per* Score, and so in Proportion -	0	4½	0	2
For every Four-wheeled Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, drawn by Four, Five, Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of -	1	8½	0	10
For every Two-wheeled 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 drawn by Three, Four, or Five Horses, Oxen, or other Beasts of Draught, the Sum of - -	1	1½	0	6
For every Two-wheeled 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 drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of -	0	7	0	3
For every Two-wheeled 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 drawn by One Horse, Ox, or other Beast of Draught, the Sum of -	0	3½	0	2
For every Four-wheeled Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of -	3	8	1	6
For every Four-wheeled Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of -	2	6½	1	0
For every Four-wheeled Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Four Oxen, or by Three Horses, Mares, or Geldings, the Sum of - - - - -	1	8½	0	9
For every Four-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six				

	Tolls on the Road.		Tolls on the Branches.	
	s.	*d.*	*s.*	*d.*
Inches, and drawn by Two Horses or Two Oxen, the Sum of - - -	0	7	0	3½
For every Four-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by One Horse, the Sum of - - - - -	0	3½	0	2
For every Two-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of -	3	8	1	6
For every Two-wheeled Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Four Oxen, or by Three Horses, Mares, or Geldings, the Sum of - - - - -	1	8	0	9
For every Two-wheeled Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of -	0	7	0	3½
For every Two-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by One Horse, Ox, or other Beast of Draught, the Sum of -	0	3½	0	2
For every Four-wheeled Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of -	3	8	1	6
For every Four-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of -	2	6¾	1	0
For every Four-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Three Horses, Oxen, or other Beast of Draught, the Sum of -	1	8¾	0	8

	Tolls on the Road.		Tolls on the Branches.	
	s.	*d.*	*s.*	*d.*
For every Two-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of -	3	8	1	6
For every Two-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of -	2	6¾	1	0
For every Two-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of - - - -	1	8¾	0	8
For every Two-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of -	0	7	0	4
For every Two-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by One Horse, Ox, or other Beast of Draught, the Sum of -	0	3¾	0	2

Which said several and respective Tolls by this Act granted and to be collected upon the said Road and Branches, shall be collected, taken, recovered, applied, assigned, leased, and otherwise managed and disposed of, and shall be subject to the same Provisions and Limitations as is directed and provided by the said recited Acts with respect to the Tolls thereby respectively granted (except as is otherwise directed and provided by this Act.)

Limiting the Number of Tolls to be taken.

X. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons for passing the whole Length of the said Road; and only One full Toll shall be demanded or taken from any Person or Persons passing on each Branch thereof; and no more than One full Toll shall be demanded or taken from any Person or Persons for passing or repassing the same Day with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes now erected or to be erected upon the said Road, and the respective Branches thereof: Provided nevertheless, that in case any Horses or Cattle for which any Toll shall be paid, shall on the same Day draw

any other or different Carriage from that with which such Horses or Cattle shall have previously passed through any Toll Gate or Turnpike, then such Horses or Cattle shall be liable to the same Toll as if no Toll had been previously paid for such Horses or Cattle.

Former Exemptions from Toll repealed, and new Exemptions granted.

XI. And be it further enacted, That all the Exemptions from Tolls granted and allowed by the said recited Acts shall cease, and in lieu thereof the several Exemptions from Tolls herein-after mentioned shall be allowed, (that is to say), no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty, or any of the Royal Family; nor for any Horse or Horses, or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying (having been employed only in carrying or conveying on the same Day) any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Roads and Branches, or any Bridges thereon, or any of the Roads or Bridges in any of the Townships or Parishes in which the said Road or Branches lie, or with Seed for seeding the Ground, or Hay, Turnips, Potatoes, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, or Yards, or on the Lands of the Owners thereof; or for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying (having been employed only in carrying or conveying on the same Day) any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Lime, Compost, or Manure employed in Husbandry for manuring or improving Land; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shoed or farried; or from any Person or Persons going to or returning from his, her, or their Parochial Church or Chapel, or from any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship, tolerated by Law, on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated, or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road or Branches lie, or for any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; or for any Horses or Carriages of whatever 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 or guarding such Mails or Expresses or in returning back from conveying the same; or for the Horse or Horses of Officers or Soldiers, or Militia or Local Militia Men, on their March or on Duty; or for any Horse or Horses or other Beast, or any Cart, Carriage, or Waggon, employed in carrying or conveying, or returning empty from carrying or conveying, (having been employed only in carrying or conveying) the Arms or Baggage of any such Officers or Soldiers, or employed only in carrying

or conveying, or returning empty from carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Wain, Waggon, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance, Barrack, Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry, or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for or on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulation of such Corps at the Time of claiming the Exemption; or for the Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning empty after having been so employed; or for any Horse or Horses, Coaches, or other Carriages going to or returning from any Election of a Member or Members to serve in Parliament for the said County of *Northumberland*, or the Town of *Newcastle-upon-Tyne*, on the Days or Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall by any fraudulent or collusive Means whatsoever claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of the said recited Acts and this Act; and the same shall be levied and recovered in the same Manner as other Penalties and Forfeitures are by the said recited Acts and this Act empowered or directed to be levied and recovered.

Owners or Drivers of Carriages, &c. in His Majesty's Service not subject to Penalty for Overweight.

XII. 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 Public 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 such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, be stopped or detained by Reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to any such Waggon, Wain, Cart, or other Carriage, any thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in the said recited Acts and this Act contained to the contrary notwithstanding.

Exemptions by 55 G. 3. c. 119. not to be affected.

XIII. Provided always, and be it further enacted, That all Waggons, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act to enable the*

Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Disputes as to Toll to be settled by a Justice of the Peace.

XIV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to sell such Distress, or to retain the same or the Money arising from the Sale thereof (as the Case may happen), until the Amount of Toll due and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen), shall be ascertained by a Justice of the Peace for the County or District wherein the Cause of Dispute shall arise, who upon Application made to him for that Purpose shall examine into the said Matter upon Oath of the Parties, or any Witness or Witnesses, and determine the Amount of the Toll due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) to the Owner or Owners thereof on Demand.

Collectors of Tolls not incompetent Witnesses.

XV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the Tolls hereby granted or made payable, 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 not be deemed incompetent to give Evidence in any Dispute, Suit, or Litigation, by reason of his or their being so appointed to collect the said Tolls.

Former Power to get Materials for the Road repealed.

XVI. And be it further enacted, That so much of the said recited Act as authorizes the Surveyor or Surveyors of the said Road and Branches, or any other Person to cut, gather, dig, and carry away any Materials for repairing the said Road and Branches, shall be and the same is hereby repealed.

Repealing Directions in last Act as to Payment of Interest on Subscriptions.

XVII. And be it further enacted, That so much of the said recited Act of the Fiftieth Year of the Reign of His said late Majesty as enacts, that no Interest on the Sums of Money to be raised by Subscription for making the new Branches of Road therein mentioned, or any of them, should be paid until the End of Two Years from the passing the said Act, but the Interest which shall in the meantime become due on the said Sums respectively, shall be carried to the Account of the respective Subscribers thereof, and at the End of the said Period of Two Years, and so from Time to Time in every subsequent Year, so long as any of the said Sums shall remain unpaid, the Accounts relating to the said new Branches shall be made up, balanced and settled, and the Money appearing by the said Accounts to be applicable to the Payment of the Interest on the said Sums

shall

shall be applied accordingly; and in case the same shall not be sufficient for the Payment of the whole Amount of the Interest which shall from Time to Time become due in respect of the Sums aforesaid, then the same shall be equally divided between the several Subscribers, their respective Executors, Administrators, or Assigns, according to the Amount of their respective Subscriptions, and the Deficiency of such Interest shall from Time to Time be carried to the Account of the said Subscribers, and shall be paid in some subsequent Year or Years whenever there shall be Money enough for that Purpose, so that the full Amount of the Interest on the said Sums respectively may be ultimately paid, shall be and the same is hereby repealed.

Repealing the Clause in last Act as to Priority of Securities for the Subscriptions.

XVIII. And be it further enacted, That so much of the said last recited Act as enacts, that the several Securities to be given for the several Sums of Money raised by Subscription for defraying the Expence of making and maintaining the said new Branches as aforesaid, and the Interest thereof, shall have Priority over the Securities to be given for any Sum or Sums of Money to be subsequently borrowed on the Credit of the Tolls of the said Branches, and the Interest of such Sums, but the last-mentioned Securities shall, as between each other, have Priority or Preference according to the respective Dates or Times of entering into the said Securities, unless any Provision or Agreement shall be contained in such last-mentioned Securities to the contrary, shall be and the same is hereby repealed.

Directions as to Form of Mortgages in the last Act repealed.

XIX. And be it further enacted, That so much of the said last-recited Act as enacts, that the several Mortgages or Securities which shall be given by the said Trustees for securing the Re-payment of the Money subscribed, or otherwise to be borrowed by them for the Purposes of the said Act, may be made in the Form therein prescribed, shall be and the same is hereby repealed.

Repealing Clause in the last Act as to Application of Trust Monies.

XX. And be it further enacted, That so much of the said last recited Act as enacts, that all the Monies which shall arise and be produced by and from the several Tolls by the said Act granted and made payable, together with the Monies which have been or shall be subscribed for carrying that Act into Execution, and the Monies which shall at any Time hereafter be borrowed upon the Credit of the said Tolls or any of them, and all other Monies which shall otherwise arise and be produced by virtue of the said recited Acts or that Act, shall be vested in the Trustees of the said Road for the Time being, and the Monies arising from and to be produced upon and secured on the Tolls of the said Road shall form one Fund, and the Monies arising from and to be produced upon and secured on the Tolls of the said Branches shall together form another Fund, and the said Two Funds, and all Accounts, Matters, and Things relating thereto respectively, shall at all Times hereafter, during the Continuance of the said recited Acts and that Act, be kept distinct and separate, and the same shall be respectively applied and disposed of for the several Uses and Purposes and in the Order and Manner therein prescribed, shall be and the same is hereby repealed.

XXI. And

Repealing Clause in the last Act, which directs yearly Accounts of Subscriptions to be delivered to the Clerk of the Peace.

XXI. And be it further enacted, That so much of the said recited Act as enacts, that a Copy of each of the yearly Accounts therein mentioned, so far as respects the said Subscriptions and the Interest thereof, shall at the Time when the same shall be so settled as therein before directed, or within Fourteen Days thereof, be signed by Five or more of the said Trustees, and shall, within the Space of Ten Days after the same shall be so signed, be delivered by the Clerk or Treasurer of the said Road for the Time being, to or at the Offices of the respective Clerks of the Peace of the said County of *Northumberland* and Town and County of *Newcastle-upon-Tyne* respectively, and shall be filed by the said Clerks of the Peace amongst the Records of the Sessions; and the Clerk or Treasurer of the said Road shall within Ten Days after he shall have so delivered in such Accounts, cause Notice thereof to be inserted for Two Weeks in One at least of the Newspapers published in *Newcastle* aforesaid, and all Persons whomsoever shall be at Liberty to inspect such Accounts and to take Copies thereof, shall be and the same is hereby repealed.

No Interest on the Subscriptions to be paid, and the Principal thereof to be postponed to the Sums borrowed on Security of the Tolls.

XXII. And be it further enacted, That no Interest on the Sums of Money raised by Subscription as aforesaid shall be paid, and that all Sums of Money already borrowed and secured upon the Tolls of the said Road, and all Monies hereafter to be borrowed on Security of the Tolls of the said Road and Branches by virtue of the said recited Acts and by this Act, and the Interest thereof, shall have Priority over the said Subscriptions; and that as soon as there shall be a sufficient Surplus of the Monies arising from the said last-mentioned Tolls remaining after paying the Expences incident to the said Road and Branches, and the Principal and Interest due and to become due on the Securities heretofore granted on the Tolls collected on the said Road and on the Securities hereafter to be granted on the Tolls to be collected on the said Road and Branches, and so from Time to Time as often as there shall be any further sufficient Surplus of such Monies, such Surplus shall be applied in paying off the Principal Monies of the said several Subscriptions, but without any Interest, until the Whole of such Principal Monies shall be discharged, and the said Trustees shall determine by Ballot or by Lot which of the said Principal Monies shall be from Time to Time so paid.

The Tolls formed into One Fund, and the Application thereof.

XXIII. And be it further enacted, That the Tolls collected or to be collected on the said Road and Branches, together with any Balance or Balances of such Tolls now remaining in hand and unapplied, shall from and after the passing of this Act be and become and be formed into one general and united Fund, and shall be applied and disposed of, after Payment of the Expences of obtaining and passing this Act, in paying the Interest accrued or accruing upon the several Principal Sums remaining due on the Securities heretofore granted on the Tolls of the said Road under the Authority of the said recited Acts, or which shall hereafter be granted on the Tolls of the said Road and Branches under the Authority of this Act, and then in defraying the Expences of erecting and keeping in Repair the Turnpikes, Toll Houses, and other Buildings, and of keeping the said Road and Branches in Repair, and of improving

ing the same, as there shall be Occasion, and in executing the several Powers of the said recited Acts and of this Act in respect to the said Road and Branches, and then in paying off and discharging the several Principal Sums of Money which have been secured by the said recited Acts, (exclusively of such Subscriptions as aforesaid), or which shall be secured in pursuance of the said recited Acts or this Act; and lastly in paying off and discharging the several Principal Sums of Money so subscribed as aforesaid, but without any Interest thereon, in the Order and Form herein-before directed for that Purpose.

Power to borrow Money for general Purposes.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five of them, to borrow and take up at Interest, upon the Credit of the said Tolls to be collected on the said Road and Branches, any Sum or Sums of Money which may be found necessary for the Purposes of the said recited Acts and of this Act, in addition to the Sums of Money already borrowed on the Credit of the Tolls of the said Road under the said recited Act, and subscribed as aforesaid; and that for securing the Sum or Sums of Money so to be borrowed to the Person or Persons who shall advance the same, with legal Interest, it shall also be lawful for the said Trustees to mortgage the Tolls so granted by the said recited Acts and this Act, for the Sum or Sums so to be borrowed, and the Interest thereof.

Form of Mortgages.

XXV. And be it further enacted, That the several Mortgages or Securities which shall be given by the said Trustees, for securing the Repayment of the Monies so to be borrowed for the Purposes aforesaid, may be made in the Form following, or with such Variations and Additions as Circumstances may require, or the Trustees making the same may think proper:

'BY virtue of the several Acts passed for making and maintaining the Turnpike Road from *North Shields* to *Newcastle-upon-Tyne*, and the Branches thereof, We, whose Names and Seals are hereunto subscribed and set, being of the Trustees of said Road, acting under the Authority of the said Acts, in consideration of the Sum of this Day paid by of to the Treasurer of the said Road, do hereby assign and transfer unto the said his Executors, Administrators and Assigns, for and during the Continuance of this Act, the several Tolls arising upon the said Road and Branches, and the several Turnpike Gates and Toll Houses at which such Tolls are and shall be collected, with their Appurtenances: To hold unto the said his Executors, Administrators, and Assigns, for all the Right and Interest of the Trustees of the said Road and Branches therein, in Mortgage for the said Sum of with legal Interest for the same, payable according to the Provisions of the said Acts. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord .'

Mortgages to be entered in a Book.

And which said Mortgages or Securities shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, and the

respective Persons to whom such Mortgages or Securities shall be made, or who shall from Time to Time be entitled to the same, may transfer such Mortgages or Securities respectively, and the Monies thereby secured, in the Words following, or Words to the like Effect:

Form of Transfer.

'I the within named Mortgagee [*or* above named Assignee, *or otherwise, describing the Person or Persons transferring, according as the Case may require*] do transfer this Mortgage, and the Principal Money and Interest thereby secured, unto of his Executors, Administrators, and Asssigns, for all my Right and Interest therein. Witness my Hand this Day of in the Year of our Lord .'

Transfer to be entered.

And every such Transfer shall be produced to the said Clerk, who shall cause an Entry thereof to be made in the before mentioned Book, and for which Entry he shall be paid the Sum of Five Shillings; and no Assignee shall be entitled to the Benefit of any Transfer until such Entry thereof shall be made; but after such Entry, every such Transfer shall be considered as passing all the legal Right or Title of the Person or Persons making such Transfer in or to all the Principal Money and Interest thereby expressed to be transferred.

Ejectment may be supported by One Mortgagee.

XXVI. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls arising upon the said Road and Branches, or either of them, shall seek to obtain Possession of the said Tolls, or the Toll Gates or Turnpikes erected or to be erected thereon, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

New Power to get Materials to repair Road.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, or such other Person or Persons as he or they shall appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stone, Gravel, Sand, or other Materials for making and repairing the said Road and Branches, or any Bridges, Culverts, Walls, or Fences necessary thereto, out of and from any Commons and Waste Grounds, Common River, Brook, or Pit, in any Parishes, Townships, or Places in which any Part of the Road and Branches hereby directed to be repaired shall lie, or in any adjoining Parishes, Townships, or Places, without paying any thing for the same; the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing and fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and it shall also be lawful for the said Trustees

or

or their Surveyor or Surveyors, and such other Person or Persons as aforesaid, by order of any Two or more Justices of the Peace for the County or District in which the Lands shall be situate, to search for, cut, dig, gather, and take away any such Materials as aforesaid, in, off, from, and out of the private or inclosed Lands and Grounds of any Person or Persons, in any Parishes, Townships, or Places in which any Part of the said Road and Branches shall lie or be situate, or in any adjoining Parishes, Townships, or Places where the same may be had or found, (such Lands or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for repairing the said Road and Branches shall be carried, according to their respective Rights and Interests in the Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees and the said Owners or Occupiers, or any of them, concerning the Value of such Materials and Damages, it shall be lawful for any Two Justices of the Peace for the County or District in which the Lands shall be situate, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Satisfaction and Damages.

Notice to be given to Occupiers of Land before Materials taken.

XXVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or any other Person or Persons, under the Authority of the said recited Acts and this Act, to dig, gather, take, and carry away any Stone or other Materials for making or repairing the said Road and Branches, or any Bridges, Culverts, Walls, and Fences, out of and from any inclosed Lands and Grounds, until Ten Days previous Notice in Writing shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two or more Justices of the Peace acting for the County or Place wherein such Premises shall lie, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier or his Agent shall not attend pursuant to such Notice, or shall attend but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person or Persons to dig, gather, take, and carry away such Stones and 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 before such Justices as aforesaid, then and in such Case such Justices shall and may make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if the Occupier or his Agent had attended.

Gates to open inwards.

XXIX. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever adjoining the said Road or Branches, shall be made to open into or towards any Part of the said Road

Road or Branches, or suffered to continue so to open, except the Hanging Post thereof shall be removed so far as that no Part of such Gate shall when opened swing or hang over any Part of the said Road or Branches; and that it shall be lawful for the said Trustees, or any Five or more of them at a Meeting, to order all such Gates as are now hung or erected, or may hereafter be hung or erected, and which open and swing outward towards the said Road or Branches, to be altered and made to swing inwards; and if any Occupier or Occupiers of the Land upon which any Gate or Gates is or are or shall be constructed, so as to open and swing outwards towards the said Road or Branches, contrary to the Meaning of this Act, shall not within Ten Days after Notice to him, her, or them given, either personally or in Writing, from the Clerk or Surveyor of the said Road and Branches, cause such Gate to be hung, so that the same shall not open outward or swing towards the said Road and Branches, or so that no Part of the Gate when open shall project over any Part of the said Road and Branches, or any Footpath or Causeway belonging thereto, the Clerk or Surveyor of the said Road and Branches is hereby authorized to cause the Gate to be hung according to the Intention of this Act, and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made thereof to any Justice of the Peace acting in and for the said County of *Northumberland*, or the Town and County of *Newcastle-upon-Tyne*, and Proof of such Neglect or Default by the Oath of a credible Witness, pay to such Clerk or Surveyor such Sum as the said Justices shall direct, to defray the Expence of making the Alteration and hanging such Gate, and shall also forfeit a further Sum not exceeding Forty Shillings.

Penalty on Persons injuring the Road or committing Nuisances thereon.

XXX. And be it further enacted, That if any Person or Persons shall ride upon any Causeway or Footway upon or on the Side of or adjoining to the said Road and Branches, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any such Causeway or Footway; or if any Person shall cause to be hauled or drawn upon any Part of the said Road and Branches, any Timber, Stone, or other Thing, (otherwise than upon wheeled Carriages), or shall suffer any Timber, Stone, or other Thing, which shall be carried upon wheeled Carriages, to drag upon the said Road and Branches, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Road and Branches, shall suffer the same to root up and damage the said Road and Branches, or the Fences on either Side thereof; or if any Person driving any Carriage upon the said Road and Branches, shall ride upon the Shafts or any other Part of the said Carriage, without holding the Reins of the Horse or Horses, or meeting another Carriage shall not keep his or her Carriage on his or her Left or Near Side of the Road, and also keep on the same Side himself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road or Branches; or if any Person or Persons shall turn loose, or permit or suffer any Beast or Swine to run loose, or stray or graze or depasture on the said Road or Branches, or on the Side or Sides thereof; or if any Person after having blocked or stopped any Carriage whatsoever, in going up any Hill or rising Ground, shall leave or permit,

or suffer to be or remain on the said Road and Branches, or any of them, the Stone or other Thing made use of in the blocking or stopping of such Carriage; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, on any Part of the said Road or Branches, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games whatsoever on any Part of the said Road or Branches, to the Annoyance of any Passenger or Passengers; or shall leave any Carriage (except in Cases of Accident) upon or on the Side of the said Road or Branches longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or in case the same shall not during such Time be drawn up as near to the Side of the said Road or Branches thereof respectively, as conveniently may be; or if any Person or Persons not being the Surveyor or Surveyors thereof, or authorized by him or them, shall lay any Timber, Stone, Lime, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon the said Road and Branches, or on the Side or Sides thereof, between the Road and Fences erected or to be erected on the Side thereof, or shall scrape off any Mud, Soil, or other Matter or Thing, which shall be or lie upon any Part of the said Road and Branches or the Sides thereof, or shall remove or carry away any Mud, Soil, or other Matter or Thing which shall have been scraped and placed thereon, or on the Sides thereof under the Authority of the said Trustees or such Surveyor or Surveyors, unless the same be done at such Times and under such Regulations as the Trustees or their Surveyor shall direct; or if any Person or Persons shall plough or break up any of the Soil between the Road and such Fences as aforesaid, for the Purpose of making Compost or Manure, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Statute Work.

XXXI. And be it further enacted, That so much of the said recited Acts as relates to the Performance of Statute Work on the said Road and Branches shall be and the same is hereby repealed, and that from and after the passing of this Act all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road and Branches, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace, within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Five or more of them, or by their Treasurer, Clerk, or Surveyor, or by their Order, and also upon giving at least Ten Days previous Notice in Writing to the Surveyors of the Highways of each and every Parish, Township, or Place through which the said Road and Branches pass, of such Application, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road and Branches by the Inhabitants of the respective Parishes, Townships, or Places in which the said Road and Branches lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such

Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish, Township, 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 the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road and Branches, as the said Justices shall think reasonable, and the same shall be done on such Days and on such Times (not being Haytime or Harvest), and on such Parts of the said Road and Branches within the said respective Parishes, Townships, or Places as the said Trustees, or any Five or more of them, 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 Surveyor or Surveyors of the Highways of every such Parish, Township or Place, so to be by him or them paid to the said Trustees or their Treasurer, at such Time or Times as such Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts or 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 Ten Days 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 Public 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 and Branches, 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,

aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road or Branches, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road and Branches; and in case 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, and shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Expences of this Act.

XXXII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with legal Interest on the Money advanced for that Purpose, from the Time of advancing or disbursing the same, shall be paid out of any Monies which have arisen by virtue of the said recited Acts, or out of the first Monies which shall arise by virtue thereof, and of this Act.

Public Act.

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

Term and Continuance of this Act.

XXXIV. And be it further enacted, That this Act shall commence upon the Day the same shall receive the Royal Assent, and shall continue in force during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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