ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. x.

An Act for repairing the Road from the Town of *Stanhope*, by *Edmondbyers* in the County of *Durham*, to the *Corbridge* Turnpike Road near *Greenhead*, in the Pariſh of *Shotley*, in the County of *Northumberland*. [23d *March* 1815.]

WHEREAS the preſent Highway or Public Carriage Road leading from the Town of *Stanhope* in the Pariſh of *Stanhope*, in the County of *Durham*, by *Edmondbyers*, in the ſaid County, to the *Corbridge* Turnpike Road near *Greenhead*, in the Pariſh of *Shotley*, in the County of *Northumberland*, extending about Nine Miles and an Half in Length, is in a ruinous Condition, and it would be of Advantage and Convenience to the Public that the ſaid Road ſhould be effectually improved and kept in good Repair, which cannot be effected by the Laws in being for the Amendment and Preſervation of Public Highways: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Adam Aſkew*, *Bryan Abbs*, *George Allan*, *John Annandale*, the Right Honourable *Henry Vane*, commonly called *Viſcount Barnard*, the Honourable *William Keppel Barrington*, *George Baker*, *David Bevan*, *Charles Bacon*, *John Bacon*, *Jonathan Backhouſe*, *Jonathan Backhouſe* the younger, *William Backhouſe*, *Edward Backhouſe*, *James Backhouſe*, *William Balleny*, *Thomas Balleny*, Truſtees.

Balleny, *Robert Balleny*, *Robert Browell*, *Rowland Burdon*, *Calverley Bewicke*, *Thomas Bonner*, *William Bates*, *Ralph Byerley*, *George Bainbridge*, *Robert Bainbridge*, *James Bower*, *Thomas Richard Beaumont*, *Richard Wentworth Beaumont*, *James Blackburn* Clerk, *Cuthbert Bainbridge*, *Thomas Blackett*, *Reynold Gideon Bouyer* Clerk, *Thomas Barker*, *Nicholas Burnett*, Sir *Thomas John Clavering* Baronet, *James Clavering*, *Charles John Clavering*, *John Cookſon*, *Iſaac Cookſon* the younger, *Edward Charlton*, the Honourable *Archibald Cochrane*, *William Cuming*, *John Carr*, *Robert Curry*, *Robert Curry* the younger, *John Curry*, *John Collinſon* Clerk, *Peter Coates*, *Thomas Colpitts*, *Benjamin Dunn*, *James Dunn* Clerk, *Morton John Daviſon*, *Richard Dobſon*, *Thomas Daviſon*, *Edward Daviſon* Clerk, *David Durell* Clerk, *Henry Donkin*, the Prebendaries of the Cathedral Church of *Durham* for the Time being, *Joſeph Dawſon* Clerk, *Thomas Dodd*, Sir *Robert Johnſon Eden* Baronet, *Cuthbert Elliſon*, *William Elliſon* Clerk, *William Elliſon* the younger, *Chriſtopher Elliſon*, *William Emm*, *Thomas Emerſon*, *Ralph John Fenwick*, *Thomas Fenwick* of *Dipton*, *Ralph Fenwick*, *William Thomas Greenwell*, *George Greenwell*, *Thomas Greenwell* of *Willington*, *Thomas Greenwell* of *Broomſhields*, *John Greenwell* of *Broomſhields*, *Nicholas Greenwell*, *William Greenwell*, *John Greenwell* of *Sunderland*, *John Greenwell* the younger, *Jaſper Gibſon*, the Honourable *Anchitel Grey* Clerk, *Robert Gray* Doctor in Divinity, *John Griffith*, *Thomas Griffith*, General *Martin Hunter*, *George Hopper*, *John Hutchinſon*, *Thomas Harvey*, *Henry Hardinge* Clerk, *Thomas Hopper* of *Hendon*, *Anthony Hopper*, *Thomas Hopper* of *Durham*, *Thomas Hopper* of *Shotley Field*, *Henry Hildyard* Clerk, *Robert Hildyard*, *Francis Haggitt* Clerk, *Septimus Hodſon* Clerk, *John Heppell*, *George Heppell* the younger, *Robert Jobling*, *John Jopling*, *John Jopling* Clerk, *Surtees Jopling*, *Edward Jackſon*, *John Wren Jackſon*, *Peter Jonn* Clerk, *John Kirſopp*, Sir *Thomas Henry Liddell* Baronet, *John George Lambton*, *William Lambton*, *Ralph John Lambton*, *Henry George Liddell*, *Charles Lyon*, *George Thomas Leaton*, *Newbry Lowſon*, Sir *Charles Miles Lambert Monck* Baronet, Sir *Ralph Milbanke* Baronet, *Arthur Mowbray*, *John Muſchamp*, *Edward Marſhall* Clerk, *Robert Moſes*, *Robert William Mills*, *John Maughan*, *John Mulcaſter*, *Martin Morriſon*, *William Nesfield* Clerk, *George Ornſby*, *Robert Price* Doctor of Laws, *Richard Proſſer* Doctor in Divinity, *Henry Phillpotts* Clerk, *John Proud*, *Joſeph Proud*, *Thomas Parker*, *William Ruſſell*, *Matthew Ruſſell*, *Richard Richardſon* Doctor in Divinity, *John Rippon*, *George Silvertop*, *Charles Silvertop*, *William Thomas Salvin*, *Edward Shipperdſon*, *Anthony Surtees*, *John Selby*, *Robert Stringer*, *Thomas Swinburne*, *John Swinburne*, *George Sowerby*, *Robert Stagg*, *Francis Smales*, *John Smith* of *Brooms*, *John Smith* of *Beamiſh*, *John Surtees*, *Charles Thorp* Clerk, *Robert Tweddell* Clerk, *Joſeph Thompſon* Clerk, *John Taylor*, *Francis Bradſhaw Taylor*, *Anthony Todd*, *Thomas Todd*, *Thomas Taylor* Clerk, *William Wilſon* Clerk, *Thomas Wilkinſon* of *Witton-Caſtle*, *Anthony Wilkinſon*, *Clennel Wilkinſon*, *Thomas Wilkinſon* of *Oſwald Houſe*, *John Wren*, *Thomas Forſter Wallis*, *Thomas White*, *John Watſon*, *George Wooler*, *John Wooler*, *Jonathan Wooler*, *Edward Whitelock* Clerk, *Henry Witham*, *Edward Woodhouſe*, *Edward Woodhouſe* the younger, *Richard Wharton*, *Matthew Woodifield*, *Thomas Watſon*, *Alexander Whaley*, *Thomas Ward*, and *William Wray*, ſhall be, and they are hereby appointed Truſtees for amending, improving, and keeping in Repair the Road herein-before deſcribed, and for carrying into Execution the ſeveral Powers, Purpoſes, and Truſts of this Act.

II. And

Road to be made according to the Plan.

II. And whereas a Map or Plan describing the Line of the Road hereinbefore mentioned, and the Lands contiguous to which the same is to be carried, together with a Book or Schedule of Reference containing Lists of the Owners and Occupiers of such Lands, has been deposited in the Offices of the respective Clerks of the Peace for the said Counties of *Durham* and *Northumberland*; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the respective Clerks of the Peace for the said Counties, to the End that all Persons may, at any seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom, paying to the respective Clerks of the Peace One Shilling for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts; and the said Road shall not deviate more than One hundred Yards from the Line described in the said Map or Plan without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Powers to elect an additional Number of Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to elect any Number of Persons not exceeding Ten in the Whole, to be Trustees for the carrying of this Act into Execution, in addition to the Trustees hereby appointed.

Power to elect new Trustees.

IV. And that when and as often as any of the Trustees hereby appointed, or to be elected and appointed as herein mentioned, shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees, 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 every Trustee dying or refusing to act as aforesaid; provided that Notice of the Time and Place of Meeting of the said Trustees for every such Election shall be given by the Clerk to be appointed by the said Trustees as herein-after is mentioned, by affixing the same in Writing or Print upon all the Turnpike Gates then erected upon the said Road 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 have and be vested with such and the like Powers and Authorities, and may act with the Trustees hereby appointed 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, excepting only in Cases herein mentioned, requiring a greater or lesser Number of them.

Qualification of Trustees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Messuages, Tenements, Tithes, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised or possessed of Messuages, Lands, Tenements,

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

The Acts of unqualified Truſtees previous to Conviction valid.

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

Truſtees Oath.

'I *A. B.* do ſwear, That I am in my own Right, [*or*, in Right of my 'I Wife] truly and *bonâ fide* ſeiſed or poſſeſſed of, and in the actual 'Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, 'Tenements, Tithes, or Hereditaments of the clear yearly Value of One 'hundred Pounds above Reprizes. [And in the Caſe of an Heir Appa-'rent] 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 or poſ-'ſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Pro-'fits of Meſſuages, Lands, Tenements, Tithes, or Hereditaments of the 'clear yearly Value of Three hundred Pounds above Reprizes. [And 'in the Caſe of Perſonal Eſtate], I *A. B.* do ſwear, that I am truly and '*bonâ fide* poſſeſſed of a clear Perſonal Eſtate of the Amount or Value of 'Three thouſand Pounds; and that I will truly and faithfully execute the 'Powers and Truſts repoſed in me by an Act paſſed in the Fifty-fifth 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, not to act, &c.

VIII. 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, or ſhall be a Tavern-keeper, Innkeeper, or Victualler; and that ſuch Truſtees as are Juſtices of the Peace ſhall not be incompetent to act as Juſtices of the Peace in the Execution of this Act by reaſon of their being ſuch Truſtees; and that no Perſon poſſeſſed of or entitled to any Mortgage, or other Security upon the Tolls granted by this Act, ſhall, on ſuch Account only, be diſqualified from acting as a Truſtee.

Truſtees Meetings.

IX. And be it further enacted, That the Truſtees ſhall and may meet at the Houſe of *Richard Johnſon*, Innkeeper, in *Edmondbyers* aforeſaid, or at

at ſome other convenient Houſe near to the ſaid Road, on the Third *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be; and the Truſtees ſhall proceed to the Execution of this Act, and ſhall then and there from Time to Time afterwards adjourn themſelves for the better carrying this Act into Execution, as they ſhall think proper, to any Place upon or near to the ſaid Road; and in caſe a ſufficient Number of Truſtees ſhall not attend at any ſuch Meeting, then it ſhall be lawful for the Clerk to the ſaid Truſtees to adjourn the ſaid Meeting in the ſame Manner as the ſaid Truſtees could or might have adjourned the ſame.

Meetings on Emergencies.

X. 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, or in caſe no Adjournment ſhall have been regularly made, then, and in either of the ſaid Caſes, the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the ſaid Truſtees, (which it ſhall be lawful for them to make, although not aſſembled, at any Meeting held purſuant to the Directions of this Act), mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof, and of the Time, Place, and Purpoſe of ſuch Meeting, (ſuch Time being not leſs than Seven Days next after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly, and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

Truſtees Orders to be made at Meetings.

How Orders to be revoked.

XI. And be it further enacted, That all Orders, Determinations, and Proceedings of the ſaid Truſtees, in the Execution of this Act, ſhall be made at Meetings to be held in purſuance of this Act (except herein otherwiſe particularly directed); and no Order or Determination ſhall be made unleſs the major Part of the Truſtees preſent ſhall concur therein; and no Order made by the ſaid Truſtees ſhall be revoked or altered at any ſubſequent Meeting, unleſs by a Majority of Truſtees at a Meeting where Seven at leaſt ſhall be preſent, and Five of them ſhall concur therein.

Books to be kept, and admitted as Evidence.

XII. And be it further enacted, That all Acts, Orders, and Proceedings of the ſaid Truſtees ſhall be entered in a Book or Books to be kept by the Clerk or Clerks to the ſaid Truſtees for that Purpoſe; and ſuch Acts, Orders, and Proceedings ſhall be ſigned by ſo many of the ſaid Truſtees as the Caſe may require, and being ſo ſigned, ſhall be deemed to be Originals; which Book or Books, and alſo the Book or Books herein directed to be kept for the entering Mortgages of the Tolls and Transfers thereof, ſhall be admitted and received as Evidence.

Appointing Officers.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, by Writing under their reſpective Hands, to appoint One or more fit and proper Perſon or Perſons to be the Collector or Collectors of the ſaid Tolls, Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, and ſuch other Officers as the ſaid Truſtees ſhall think neceſſary; and ſuch Collectors, Clerks, Treaſurers, Surveyors, or other Officers, or any of them, from Time to Time to remove, and on the Removal, Death, or Reſignation of any of them, to appoint others in their Stead; and the ſaid Truſtees are hereby authorized out of the Monies ariſing by virtue of this Act to pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon and Perſons as ſhall be

Salaries to Officers.

Officers ſhall acount.

Penalty on Refuſal.

be aſſiſting them, or any of them, in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the ſaid reſpective Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when required by the ſaid Truſtees, deliver to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts in Writing under their reſpective Hands of all Monies which they and every of them reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed by them, and for what Purpoſes, with proper Vouchers for ſuch Payments and Diſburſements, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to give ſuch Account, or to produce or deliver up ſuch Vouchers as aforeſaid, or to pay the Money due upon ſuch Account in Manner aforeſaid, or to deliver up to the Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Fourteen Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, or Writings in his or their 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 or Place where the Officer or Perſon making Default ſhall be or reſide, upon Complaint thereof made to them by any Two or more of the ſaid Truſtees, to make Enquiry concerning ſuch Refuſal or Neglect, 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, or any of them, are and is hereby empowered and required to adminiſter without Fee or Reward), and if it ſhall appear to ſuch Juſtices that any of the Monies which ſhall have been ſo collected and received, ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and they are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money and the Charges of levying the ſame, or if ſuch Officer or Officers, Perſon or Perſons, appearing or being brought before ſuch Juſtices in the Manner aforeſaid, ſhall refuſe or neglect to give and deliver to the ſaid Juſtices an Account or Accounts of the Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings in his or their Cuſtody or Power relating to the Execution of this Act, then, and in any of the Caſes aforeſaid, ſuch Juſtices may, and are hereby authorized and required, by Warrant under their Hands and Seals, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol or Houſe of Correction of the County, Riding, or Diviſion, where he or they ſhall live and reſide, there to remain without Bail or Mainprize, until he or they ſhall have delivered in and ſettled his or their Accounts, and ſhall have delivered up the Vouchers or Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he or they ſhall have compounded with the ſaid Truſtees for the ſame, and paid the Compoſition Money to the ſaid Truſtees,

Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees are hereby empowered to make and receive) or until he or they ſhall deliver up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees; but no ſuch Officer or other Perſon who ſhall be committed for Default of Diſtreſs only, ſhall be retained in Priſon by virtue of this Act, for any longer Space of Time than Three Calendar Months.

Treaſurer, &c. to give Security.

XIV. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby authorized and required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, and Collector or Collectors, to be appointed by virtue of this Act, for the due Execution of their Offices reſpectively, as the ſaid Truſtees ſhall think proper.

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

XV. 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 to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Clerk 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 the Time being to the Truſtees ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action, and every ſuch Clerk or 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 by the ſaid Truſtees 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, for or by reaſon of his being made Plaintiff or Defendant as aforeſaid.

Toll Gates to be erected.

XVI. And be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall direct or appoint, ſhall and may erect, or cauſe to be erected, ſuch and ſo many Toll Gates or Turnpikes, in, upon, or acroſs ſuch Parts and in ſuch Places of the ſaid Road, and alſo upon or acroſs any Lane or Bye-way that doth or ſhall lead into or out of the ſame, as they the ſaid Truſtees ſhall think proper and expedient, and alſo ſhall and may erect or provide a Toll Houſe to each of the ſaid Toll Gates or Turnpikes, with ſuitable Conveniences, and incloſe from the ſaid Road convenient Garden Spots for the ſame, not exceeding Half a Rood; and ſhall and may pull down and remove the ſame, or any of them, to any other Place or Places, when and often as they the ſaid Truſtees ſhall think proper, upon giving Twenty-eight Days previous Notice of the Meeting to be held for the Purpoſe of determining upon the Propriety of removing any ſuch Toll Gate or Toll Gates reſpectively.

Toll Houſes, &c. veſted in the Treaſurer.

XVII. And be it further enacted, That the Right, Intereſt, and Property of and in all the Toll Gates or Turnpikes and Toll Houſes which ſhall be erected and provided in purſuance of this Act, with the ſeveral Conveniences and Appurtenances thereunto reſpectively belonging, and all Materials which ſhall be purchaſed or provided for the Purpoſes of this Act, ſhall

ſhall be veſted in the Perſon or Perſons who for the Time being ſhall be appointed Treaſurer or Treaſurers by the ſaid Truſtees as aforeſaid, and he and 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, or appoint; and under the like Order, Direction, and Appointment, to bring, or cauſe to be brought any Action or Actions, and 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 Toll Gates or Turnpikes and Toll Houſes, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforeſaid, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act.

For obtaining Poſſeſſion of Toll Houſes.

XVIII. And be it further enacted, That if the Leſſee or Leſſees of any of the Tolls hereby granted, or any Perſon or Perſons claiming under him, her, or them, ſhall, after the Expiration of the Term for which ſuch Tolls ſhall be leaſed, or for the Space of Two Days after the Demiſe, Leaſe, or Agreement for letting ſuch Tolls ſhall be declared void, as herein-after mentioned, refuſe to deliver up the Poſſeſſion of the Toll Houſe or Toll Houſes, Buildings, and Premiſes which ſhall have been demiſed to him or them, with the Tolls ſo leaſed, it ſhall be lawful for any Juſtice of the Peace for the County or Place where the Premiſes ſhall be ſituate, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer of the Pariſh or Place where the Premiſes ſhall be ſituate, or any other Perſon or Perſons to whom ſuch Warrant ſhall be ſpecially directed, with proper Aſſiſtants, to enter ſuch Toll Houſe or Toll Houſes, Buildings, and Premiſes reſpectively, in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods and Chattels, out of ſuch Toll Houſe or Toll Houſes, Buildings, and Premiſes, and to put any Perſon or Perſons whom the ſaid Truſtees ſhall appoint, in Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Buildings, and Premiſes, ſo that the Tolls payable thereat may from thenceforth be received and taken for the Uſe of the ſaid Truſtees.

XIX. And be it further enacted, That the ſeveral Tolls herein-after particularly mentioned, ſhall and may be demanded and taken at each and every of the Toll Gates, Turnpikes, and Side Gates to be erected by virtue of this Act, by ſuch Perſon or Perſons as the ſaid Truſtees, or their Leſſee or Leſſees for the Time being, ſhall from Time to Time appoint for that Purpoſe, (except as herein-after is expreſsly directed or provided to the contrary), before any Horſe, Beaſt, Cattle, or Carriage, upon which any Toll is by this Act impoſed, ſhall be permitted to paſs through the ſame; *videlicet*,

Tolls.

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

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

For every Horſe, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

And for every Aſs, laden or unladen, and not drawing, the Sum of One Penny;

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

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

For every Four-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a flat or level Surface of that Breadth, and drawn by any Number of Horſes, Mares, Oxen, or other Beaſts of Draught, a Sum after the Rate of Four-pence for every Horſe or Mare, and Two-pence for every Ox drawing the ſame reſpectively.

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a flat or level Surface of that Breadth, and drawn by any Number of Horſes, Oxen, or other Beaſts of Draught, a Sum after the Rate of Three-pence for every Horſe or Mare, and Two-pence for every Ox drawing the ſame reſpectively.

For every Four-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling a flat or level Surface of that Breadth, and drawn by any Number of Horſes, Oxen, or other Beaſts of Draught, a Sum after the Rate of Five-pence for every Horſe or Mare, and Four-pence for every Ox drawing the ſame reſpectively.

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

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

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

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

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth than Four Inches, but not leſs than Three Inches, and drawn by Two or more Horſes, Oxen, or other Beaſts of Draught, a Sum after the Rate of Seven-pence for every Horſe or Mare, and Sixpence for every Ox drawing the ſame reſpectively; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Five-pence:

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

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

And for every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, drawn by Two or more Horſes, Oxen, or other Beaſts of Draught, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth than Two Inches and an Half, Double the Tolls herein-before charged, or made payable upon or for the like Carriages, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Two Inches and an Half, and the Horſes or other Beaſts drawing the ſame:

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, drawn by One Horſe, Ox, or other Beaſt of Draught, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth than Two and a Half Inches, the Sum of Sixpence, until the Twelfth Day of *May* which will be in the Year of our Lord One thouſand eight hundred and ſeventeen; and from and after the ſaid Twelfth Day of *May* One thouſand eight hundred and ſeventeen, Double the Tolls herein-before charged, or made payable upon or for the like Carriages, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Two Inches and an Half, and the Horſes or other Beaſts drawing the ſame:

Limeſtone or Lime.

For every Carriage employed in carrying Limeſtones or Lime, having the Sole or Bottom of the Fellies of the Wheels thereof of a Breadth or Gauge not leſs than Two Inches and an Half, and drawn by Two or more Horſes, Oxen, or other Beaſts of Draught, a Sum after the Rate of Two-pence for each Horſe, Ox, or other ſuch Beaſt of Draught drawing ſuch Carriage, and no more; and drawn by One Horſe, Ox, or other Beaſt of Draught only, the Sum of One Penny and no more:

For every Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth or Gauge than Two Inches and an Half, employed in carrying Limeſtones or Lime, Double the Toll laſt mentioned:

For

For every Horſe, Mare, Gelding, Mule, or Aſs, not drawing, but going for or returning laden with, or carrying Limeſtone or Lime, a Sum after the Rate of One Halfpenny for each ſuch Horſe, Mare, Gelding, Mule, or Aſs, and no more:

For every Carriage employed in carrying Coals, Peats, or Turves, having the Sole or Bottom of the Fellies of the Wheels thereof of a Breadth or Gauge not leſs than Two Inches and an Half, and drawn by Two or more Horſes, Oxen, or other Beaſts of Draught, a Sum after the Rate of Three-pence for each Horſe, Ox, or other Beaſt drawing ſuch Carriage, and no more; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Two-pence and no more: Coals, Peats, &c. or Turfs.

For every Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth or Gauge than Two Inches and an Half, employed in carrying Coals, Peats, or Turfs, and drawn by Two or more Horſes, Oxen, or other Beaſts of Draught, a Sum after the Rate of Six-pence for each ſuch Horſe, Ox, or other Beaſt of Draught; and drawn by One Horſe, Ox, or other Beaſt of Draught only, the Sum of Three-pence and no more:

For every Horſe, Mare, Gelding, Mule, or Aſs, not drawing, but going for or returning laden with, or carrying Coals, Peats, or Turfs, the Sum of One Penny and no more.

XX. Provided that if any Carriage, or any Horſe, Mare, Mule, or Aſs, not drawing, employed in carrying Limeſtones, Lime, Coals, Peats, and Turfs, or any of them, ſhall, when going for or returning with any of thoſe Articles, paſs or repaſs through any Toll Gates or Turnpikes, laden with other or different Articles, then, and in ſuch Caſe, every Carriage, Horſe, Mare, Mule, or Aſs, laden as laſt aforeſaid, ſhall be ſubject and liable to pay ſuch Sum, in Addition to the Sum which ſhall have been paid for Toll on the ſame Day, if any, as will make up the full Tolls herein-before made payable, for Carriages, Horſes, Mares, Mules, and Aſſes, not employed as laſt aforeſaid, which ſaid reſpective Tolls, and all other Tolls by this Act impoſed, and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being, and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of, and aſſigned in ſuch Manner as is herein-after mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof by any Collector or Collectors, or other Perſon or Perſons authorized 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 ſuch other Perſons as aforeſaid, or any of them reſpectively, or any other Perſon or Perſons whom they ſhall reſpectively take to their Aſſiſtance therein, to diſtrain any Horſe or Cattle, Beaſt or Carriage, for or upon which any of the ſaid Tolls are by this Act impoſed, or any of the Lading, Harneſs, or Accoutrements thereof reſpectively, (except the Bridle or Halter apart from the Horſe or other Beaſt), or any of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and the Perſon ſo diſtraining ſhall and may, at his or their Election, either detain and keep the Horſe, Cattle, Beaſt, Carriage, Goods, and Chattels, or other Articles ſo diſtrained, until ſuch Tolls, with the reaſonable Charges of ſuch Diſtreſs, and of detaining and keeping the ſame, ſhall be paid; or if ſuch Tolls and Charges ſhall not be paid within the Space of Five Days after the Day of the making ſuch Diſtreſs, the Except Carriages laden with other Articles. Tolls veſted in Truſtees. How Tolls recovered.

the Perſon or Perſons ſo diſtraining ſhall and may, at any Time or Times thereafter, ſell the Horſe, Cattle, Beaſt, Carriage, Goods, and Chattels, or other Articles ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale, pay ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon Demand to the Owner or Owners thereof.

The ſettling Diſputes concerning Tolls.

XXI. And be it further enacted, That if any Diſpute ſhall happen concerning any Tolls due, or the Charges occaſioned by any ſuch Diſtreſs as aforeſaid, it ſhall be lawful for the Collector or Perſon ſo diſtraining to retain ſuch Diſtreſs or the Money ariſing from the Sale thereof, until the Quantity of the Tolls or the Charges of the Diſtreſs, as the Caſe may happen, be aſcertained by ſome Juſtice of the Peace for the County 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 Quantity of the Tolls due, and alſo aſſeſs the Charges of making, keeping, and diſpoſing of ſuch Diſtreſs, and of the Charges of the Collector's and other Perſon's neceſſary Attendance in reſpect thereof; all which Sums ſo determined or aſſeſſed, ſhall be paid to the ſaid Collector, before he ſhall be obliged to return the ſaid Diſtreſs or Overplus, or any Part thereof.

Collectors may be Witneſſes.

XXII. 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 by the ſaid Truſtees to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or acting under the Authority of the ſaid Truſtees.

Regulations as to Toll Collectors.

XXIII. And be it further enacted, That every Toll Collector, being a Leſſee of the ſaid Tolls, or being appointed either by the ſaid Truſtees or by any Leſſee or Leſſees to collect the Tolls payable at any Turnpike Gate to be erected by virtue of this Act, ſhall, and he is hereby required to place his Chriſtian and Surname, painted on a Board in legible Characters, in the Front or in ſome other conſpicuous Part of the Toll Houſe or Toll Gate, immediately on his beginning to collect ſuch Toll or coming on Duty; each of the Letters of ſuch Name or Names to be at leaſt One Inch in Length, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall collect ſuch Toll or be upon ſuch Duty; and if any Collector of the ſame Tolls ſhall not place ſuch Board as aforeſaid, and keep the ſame there during the Time aforeſaid, or ſhall demand 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 ways hinder any Perſon or Perſons from reading ſuch Chriſtian or Surname, or ſhall refuſe to tell his Chriſtian or Surname to any Perſon or Perſons who ſhall demand the ſame on having paid the ſaid Tolls, or any of them, or ſhall in Anſwer to ſuch Demand give a falſe Name or Names, or ſhall refuſe or neglect to give a Ticket to denote the Payment of the Tolls when demanded, or ſhall unneceſſarily detain any Paſſenger or Paſſengers, or ſhall make uſe of any ſcurrilous or abuſive Language to any

Traveller or Paſſenger, then and in every ſuch Caſe every ſuch Toll Collector ſhall forfeit and pay any Sum not exceeding Forty Shillings for every ſuch Offence as the Juſtice or Juſtices before whom the Information ſhall be laid ſhall adjudge.

Tolls limited.

XXIV. Provided always, and be it further enacted, That no more than One Toll ſhall be demanded or taken from any Perſon or Perſons paſſing and repaſſing the ſame Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, with or driving the ſame Horſes, Cattle, Sheep, Beaſts, or Carriages, through all or any of the Toll Gates or Turnpikes which ſhall be erected by virtue of this Act; and that all and every Perſon and Perſons having paid ſuch Toll, and producing a Note or Ticket denoting the Payment thereof, (which Note or Ticket the Collectors of the Tolls are hereby required to give, *gratis*, on the Receipt of ſuch Toll), ſpecifying therein the Gate or Gates freed from Toll, ſhall paſs and repaſs during the ſame Day, with or driving the ſame Horſes, Cattle, Sheep, Beaſts, or Carriages, Toll-free through the ſame or any other of the Toll Gates or Turnpikes to be erected by virtue of this Act.

Carriages in His Majeſty's Service not ſubject to the 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 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, be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or 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.

Exemption from Tolls.

XXVI. Provided likewiſe, and be it further enacted, That none of the Tolls hereby granted and made payable ſhall be demanded for any Horſe or other Beaſt, or any Carriage, either laden or unladen, when employed in carrying Stones, Bricks, Lime, Wood, Gravel, or any other Materials for making or repairing the ſaid Road, or for erecting, altering, or repairing any Bridge, or Toll Houſe, or Toll Gate, on the ſaid Road, or for repairing any of the Highways in the Pariſhes or Townſhips in which the ſaid Road, or any Part thereof, lies; or in carrying or conveying any Dung, Mould, or Compoſt, for the manuring or improving of Land; or Hay, Corn in the Straw, or other Produce of Lands, to be laid up in the Houſes, Out-houſes, Barns, or Grounds, of or belonging to the Owners or Occupiers of ſuch Lands; or any Ploughs, Harrows, or other Implements of Huſbandry belonging to ſuch Inhabitants reſpectively, or going or returning empty when employed in any Manner as aforeſaid; nor ſhall any of the Tolls hereby granted or made payable, be demanded or taken from any Perſon or Perſons reſiding in any of the Pariſhes or Townſhips in which the ſaid Road lies, who ſhall paſs through any of the ſaid Toll

Gates or Turnpikes to or from Church, Chapel, or any other Place of Religious Worſhip tolerated by Law within the ſame Pariſh, on *Sundays* or Holydays, or when attending the Funeral of any Perſon who ſhall die and be buried in any of the Pariſhes in which the ſaid Road lies, or any Rector, Vicar, or Curate going to officiate, or returning from officiating, at any Church, Chapel, or other Place of Religious Worſhip, or when viſiting his ſick Pariſhioners, or upon any other his parochial or miniſterial Duty; nor for any Horſes, Mares, Geldings, or Cattle going to or returning from Work in cultivating the Lands and Grounds within the ſame Pariſhes or Townſhips, or going to or returning from Paſture or Watering Places, or going to or returning from being ſhoed; nor for any Horſes or Carriages which ſhall be employed in conveying any Mail or Packet of Letters or Expreſſes, under the Authority or Direction of His Majeſty's Poſtmaſter General or his Deputies; nor for or in reſpect of any Horſes of or belonging to Officers or Soldiers on their March, or upon Duty; nor for any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or carrying any wounded, ſick, or diſabled Officers or Soldiers; nor 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 carrying any Ordnance, Barrack, Commiſſariat, or other Publick Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſes or Carriages employed in carrying or conveying Vagrants ſent by legal Paſſes; nor for any Horſe or Carriage carrying any Elector or Electors to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the reſpective Counties of *Durham* and *Northumberland*; and if any Perſon ſhall claim or take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, or ſhall make uſe of any Fraud whatſoever, whereby the Payment of the ſaid Tolls or any Part thereof ſhall be evaded, every ſuch Perſon 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.

Certain Carriages to pay a reduced Toll.

XXVII. Provided always, and be it further enacted, That no more than One-fourth Part of the Tolls herein-before granted and made payable ſhall be demanded or taken for the Paſſage of any Carriages, Horſes, or other Beaſts, either laden or unladen, when employed in or for the carrying of Lead or Lead Ore, to be obtained or brought from the Mines or Smelting Mills within the ſaid Pariſh of *Stanhope*, which now do, or for the Time being ſhall belong to or be wrought, or occupied by or under the Demiſe or Authority of *Thomas Richard Beaumont* Eſquire, his Heirs or Aſſigns, in all Caſes where any ſuch Carriages, Horſes, or other Beaſts, when ſo employed as aforeſaid, ſhall travel upon or uſe that Part only of the ſaid Road which lies between the Weſt End of the Village of *Edmondbyers* aforeſaid, and the Termination of the ſaid Road where it enters into the ſaid *Corbridge* Turnpike Road, near *Greenhead* aforeſaid.

XXVIII. And

Penalty for evading Tolls.

XXVIII. And be it further enacted, That if any Perſon or Perſons ſhall with any Horſe, Carriage, Sheep, Cattle, or Beaſt, paſs through or over any Land or Ground, not being the Owner or Occupier thereof, or his, her, or their Servant or Servants near any of the Turnpikes which ſhall be erected by virtue of this Act (the ſame not being a Common Road) with Intent to avoid the Payment of the ſaid Tolls, or any Part or Parts thereof; or if any Owner or Occupier of any ſuch Land or Ground ſhall knowingly permit or ſuffer any Perſon or Perſons with any Horſe, Carriage, Sheep, Cattle, or Beaſt whatſoever to paſs over or through the ſame with ſuch Intent as aforeſaid; or if any Perſon or Perſons ſhall give to or receive from any Perſon or Perſons other than a Collector of the ſaid Tolls a Ticket, or ſhall forge or counterfeit any Ticket by this Act directed to be given, or ſhall fraudulently make uſe of the Number or Contents of any Ticket, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall forcibly or wilfully paſs through any ſuch Turnpike, with any Horſe, Carriage, Sheep, Cattle, or Beaſt, without Payment of Toll, or ſhall take off, or cauſe to be taken off, any Horſe or any other Cattle or Beaſt, with an Intent to avoid the Payment of any of the ſaid Tolls, or any Part thereof, or with ſuch Intent ſhall unload any Goods from any Carriage; every Perſon ſo offending in any of the Caſes aforeſaid, ſhall, for every ſuch Offence, forfeit any Sum of Money not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted; whereof One Moiety ſhall be paid to the Informer, and the other Moiety ſhall be applied in ſuch Manner as the Forfeitures or Penalties are herein-after directed to be applied.

Roads may be ſtopped to prevent evading the Toll;

XXIX. And be it further enacted, That it ſhall be lawful for any Two or more Juſtices of the Peace of the ſaid Counties of *Durham* and *Northumberland*, acting in their reſpective Juriſdictions at any Special Seſſion or Meeting, by Order under their Hands and Seals, to ſtop up and diſcontinue any By-Lane or Road opening into or communicating with the Roads to be repaired by virtue of this Act, by Means whereof the Tolls hereby made payable, or any of them, can or may be evaded, if they ſhall think it proper ſo to do, but ſubject to ſuch Private or Occupation Roads (if any) as they ſhall think neceſſary; ſo as Twenty-one Days Notice be given by the Clerk to the Truſtees of the Time, Place, and Purpoſe of ſuch Special Seſſion or Meeting, by affixing ſuch Notice on all the Turnpike Gates then erected on the ſaid Road, and ſo as ſuch Order of the ſaid Juſtices be ſubject to Appeal, within ſuch Time and in ſuch Manner as herein-after is provided with reſpect to Appeals.

or Fences made on Commons.

XXX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby required to cauſe Fences and Ditches to be erected and made over ſuch Parts of any Open Commons and Waſte Grounds in or through which the ſaid Road paſſes, and in ſuch other Places as they ſhall think neceſſary, in order to prevent Payment of the ſaid Tolls being evaded, ſo as not to exceed Three hundred Yards on either Side of the ſaid Road; and if any Perſon or Perſons ſhall pull down or otherwiſe diſplace or carry away any ſuch Fence, or any Part thereof, or ſhall fill up any ſuch Ditch, ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

XXXI. And

Leaſes of Tolls may be vacated for Non-payment of Rent.

XXXI. And be it further enacted, That if upon or after any Letting or Agreement for letting the ſaid Tolls or any Part thereof, any Default ſhall be made in Payment of the Rent agreed to be paid for the ſame or any Part thereof on the Days appointed for Payment thereof by ſuch Letting or Agreement, then and in ſuch Caſe the ſaid Truſtees may and they are hereby empowered if they ſhall think fit, at any Meeting after Notice of the holding of ſuch Meeting ſhall have been given to the Leſſee or Leſſees of the ſaid Tolls, and ſhall have been alſo affixed upon all the Turnpike Gates erected or ſtanding upon or acroſs the ſaid Road, Ten Days at leaſt before ſuch Meeting, to declare any Leaſe of the ſaid Tolls, or any Contract or Agreement for letting the ſame void, and ſuch Leaſe, Contract, or Agreement ſhall be thereupon void, to all Intents and Purpoſes, from the Time of ſuch Declaration; but the ſaid Leſſee or Leſſees, and his or their Surety or Sureties, ſhall nevertheleſs be liable for all Rent and Arrears of Rent then due and owing upon or by virtue of any ſuch Leaſe, Contract, or Agreement, and for all Coſts, Charges, Damages and Expences which the ſaid Truſtees ſhall pay, ſuſtain, or be put unto, by reaſon of the Non-performance of any of the Covenants or Agreements to be contained in any ſuch Leaſe, Contract, or Agreement on the Part of ſuch Leſſee or Leſſees.

Truſtees may compound for Tolls.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, as they ſhall ſee convenient and think proper, to compound and agree for any Term not exceeding One Year at one Time, with all or any of the Inhabitants of the ſeveral Pariſhes, Townſhips, Hamlets, or Places in or through which the ſaid Road paſſes, for the paſſing of his, her, or their Horſes, Cattle, or Carriages through all or any of the Toll Gates or Turnpikes to be erected on the ſaid Road, or on the Sides thereof, which Compoſition Money ſhall be paid in advance, and in Default thereof, the Compoſition ſhall be void.

Truſtees may reduce the Tolls.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting aſſembled for that Purpoſe, from Time to Time as they ſhall ſee occaſion, to reduce or leſſen all or any of the Tolls or Duties hereby granted, ſo as Twenty-one Days Notice in Writing or Print, be fixed upon the ſeveral Turnpike Gates which ſhall be erected in, upon, or acroſs the ſaid Road, declaring the Intention of the ſaid Truſtees to reduce and leſſen the ſame, and ſo as ſuch Reduction be made with the Conſent of the ſeveral Perſons who ſhall be entitled to Two-Third Parts of the Money due upon the Credit and Security of the ſaid Tolls, and afterwards from Time to Time to raiſe ſuch Tolls or any of them, or any Part thereof, as they ſhall think neceſſary, ſo as the ſame be not in any Caſe raiſed higher than the Tolls made payable by virtue hereof; and ſuch Tolls ſo reduced or raiſed again, ſhall be collected, recovered, or levied, and applied in the ſame Manner as the Tolls hereinbefore granted are directed to be collected, recovered, and applied.

For recovering Subſcriptions.

XXXIV. And be it further enacted, That the ſeveral Perſons who have become Subſcribers towards defraying any Part of the Expences of paſſing and executing this Act, and every of them, and all and every other Perſon or Perſons who ſhall hereafter become a Subſcriber or Subſcribers for the Purpoſes aforeſaid, and his, her, or their Heirs, Executors, and Adminiſtrators, ſhall within Twenty-one Days next after Notice in Writing under the Hand of the Treaſurer or Clerk to the ſaid Truſtees ſhall have been given or delivered to him, her, or them, or left at his, her, or their

Dwelling or uſual Place of Abode, make full Payment of the reſpective Sums of Money ſo by him, her, or them ſubſcribed or agreed to be ſubſcribed as aforeſaid, or ſuch Part or Parts thereof as may be required in ſuch Notice; and in caſe any ſuch Perſon or Perſons, his, her, or their Executors or Adminiſtrators, ſhall refuſe, neglect, or fail to make ſuch Payment as aforeſaid, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought, any Action of Debt, or on the Caſe, Bill, Plaint, or Suit againſt the Perſon or Perſons ſo refuſing or neglecting as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed; and on Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and ſuch Notice being given as laſt aforeſaid, ſuch reſpective Sum or Sums ſo ſubſcribed or agreed to be ſubſcribed, or ſo much thereof as ſhall be required to be paid by ſuch Notice, ſhall be recovered with full Coſts of Suit.

For borrowing Money on the Tolls.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any Meeting to borrow and take up at Intereſt upon the Credit of the Tolls to be collected on the ſaid Road, ſuch Sum or Sums of Money as they ſhall think fit, not exceeding the Sum of Three thouſand Pounds in the whole, including the Money already ſubſcribed, and which ſhall hereafter be ſubſcribed as aforeſaid; and the ſaid Truſtees are hereby empowered, by any Writing or Writings under their Hands and Seals, from Time to Time to demiſe, mortgage, or aſſign the ſaid Tolls or any Part or Parts thereof during the Continuance of this Act, as a Security or Securities to any ſuch Subſcriber or Subſcribers as aforeſaid, or other Perſon or Perſons who ſhall lend and advance ſuch Sum or Sums of Money, their reſpective Executors, Adminiſtrators, and Aſſigns, for the Money ſo ſubſcribed, or to be ſubſcribed, or lent and advanced, with Intereſt for the ſame; which Writing or Writings may be made in the Form following; (that is to ſay),

Form of Security.

'BY virtue of an Act of Parliament, paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*], we of the Truſtees appointed for carrying into Execution the ſaid Act, in conſideration of the Sum of paid by of to the Treaſurer of the ſaid Road, do hereby bargain, ſell, and aſſign unto the ſaid ſuch Proportion of the Tolls to ariſe upon the ſaid Road, as the Sum of doth or ſhall bear to the whole Sum now due, or hereafter to become due, on Security thereof, to hold the ſame unto the ſaid Executors, Adminiſtrators, and Aſſigns, from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt for the ſame, after the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals, this Day of One thouſand eight hundred and .'

Copies to be entered in a Book.

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, which Book or Books ſhall and may, at all ſeaſonable Times, be peruſed

and inſpected without Fee or Reward; but no Money ſhall be borrowed upon Security of the Tolls, after the Firſt Meeting of the ſaid Truſtees, unleſs Twenty-one Days previous Notice ſhall be given, by affixing ſuch Notice, in Writing or Print, upon all the Turnpikes then erected upon the ſaid Road; and it ſhall be lawful for all and every Perſon and Perſons to whom any Mortgage or Security ſhall be made as aforeſaid, or who ſhall be from Time to Time entitled to the Money thereby ſecured, to aſſign and transfer his, her, or their Right, Title, and Intereſt, in or to ſuch Mortgage or Security, and the principal Money thereby ſecured, to any other Perſon or Perſons whomſoever, in the Form following, to be indorſed on ſuch Mortgage or Security, or thereunto annexed, and ſigned in the Preſence of and atteſted by One or more credible Witneſs or Witneſſes; *videlicet*,

Mortgages may be aſſigned.

Form of Transfer.

'I *A. B.* of , &c. (or I, *C. D.* of , &c. 'Executor or Adminiſtrator of *A. B.* late of , &c. 'deceaſed, or otherwiſe, as the Caſe may happen) in Conſideration of the 'Sum of to me paid by *E. F.* &c. do hereby 'aſſign and transfer unto the ſaid *E. F.* Executors, 'Adminiſtrators, and Aſſigns, a certain Mortgage or Security, bearing 'Date the Day of in the Year 'of our Lord One thouſand eight hundred and under 'the Hands and Seals of of the Truſtees for carrying 'into Execution an Act of Parliament, paſſed in the Fifty-fifth Year of 'the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth 'the Title of this Act*], with all my Right and Title to the principal Sum 'of thereby ſecured, and all Intereſt now due 'and hereafter to grow due thereon. Dated this Day 'of , in the Year of our Lord One thouſand eight 'hundred and .'

Transfer to be entered.

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

Application of Money.

XXXVI. And be it further enacted, That all Monies which ſhall ariſe and be produced by or from ſuch Subſcriptions as aforeſaid, and by and from the Tolls by this Act granted and made payable, together with the Monies which ſhall from Time to Time be borrowed upon the Credit of the

the Tolls to be collected thereon, and all other Monies which shall arise or be produced under or 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 shall be applied in the Order and Manner following; *videlicet*, in the First Place, in paying the Costs, Charges, and Expences, attending the preparing, obtaining, and passing this Act, and of preparing Securities for the Sums so subscribed, or to be subscribed or borrowed; in the Second Place, in defraying the Expences of erecting or providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of erecting and making necessary and convenient Bridges upon the said Road, and of repairing the said Road, and otherwise in executing the several other Powers and Purposes of this Act; in the Third Place, in paying the Interest accruing upon the several Sums of Money subscribed, or which shall from Time to Time be secured upon the Credit of the Tolls to arise on the said Road; and lastly, in reducing, paying off, and discharging the same several principal Sums; and it shall be lawful for the said Trustees from Time to Time, if they shall think fit, to ascertain the Order and Priority in which the same several principal Sums shall be reduced or paid off and discharged by Ballot.

Majority of Mortgagees may suspend the Interest.

XXXVII. Provided always, and be it further enacted, That if at any Time or Times the Majority in Value of the Creditors upon the said Road shall think it right or necessary to lower or totally suspend the Payment of the Interest due or payable upon the several Sums of Money secured upon the Credit of the Tolls for a certain Time, then and in such Case, the Interest of all Sums of Money secured on the Credit of the Tolls of the said Road shall be lowered or totally suspended during such Time or Times as such Majority shall order, direct, or determine, any Thing herein contained to the contrary notwithstanding.

Surveyors may get Materials for the Road,

XXXVIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road for the Time being, appointed by the said Trustees, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, to gather, dig, take, and carry away any Stones, Gravel, Sand, or other Materials, proper for the repairing of the said Road, out of and from any Commons or Waste Grounds, Common Rivers and Brooks, in any Parish, Township, or Place, in or through which the said Road or any Part thereof lies or passes, or any adjoining Parish, without paying any Thing for the same; such Surveyor or other Person or Persons levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case no such Materials can conveniently be had in such Commons or Waste Grounds, Common Rivers, or Brooks, within convenient Distances, then to dig, gather, take, and carry away any such Materials as aforesaid, in, upon, out of, or from and over any other Lands or Grounds, in any Parish, Township, or Place, in or through which the said Road or any Part thereof lies or passes, or any adjoining Parish, not being a Garden, Orchard, Yard, Paddock, or a Plantation, or a Nursery for Trees, making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be dug, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Grounds, Commons, Rivers or Brooks, or Private

Grounds, ſhall be conveyed, as any Two Juſtices of the Peace, within their reſpective Juriſdictions, ſhall in caſe of any Difference between ſuch Owners or Occupiers and the ſaid Truſtees judge reaſonable.

but not from Private Grounds, without Conſent or Order from Juſtices.

XXXIX. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, under Authority of this Act, to dig, gather, take, and carry away any Materials for repairing and amending the ſaid Road, in or from any incloſed or private Grounds or Quarries, without the Conſent of the Owners of ſuch Grounds or Quarries, until after Ten Days previous Notice in Writing, ſigned by the ſaid Surveyor, or ſome other Officer of the ſaid Truſtees, ſhall have been given to the reſpective Owners or Occupiers of the Lands or Grounds from which ſuch Materials are intended to be taken, or left at the uſual Place of Reſidence of ſuch Owners or Occupiers reſpectively, requiring them to appear before Two or more Juſtices of the Peace acting for the County or Diſtrict wherein the ſaid Lands are ſituate, at a certain Time and Place to be ſpecified in ſuch Notice, to ſhew cauſe why ſuch Materials ſhould not be taken away; and ſuch Juſtices, after hearing the Parties concerned, ſhall, if they think proper, authorize ſuch Surveyor or other Officer to dig, gather, take, and carry away, any ſuch Materials at ſuch Time or Times, and in ſuch Manner as to ſuch Juſtices ſhall ſeem proper; or if ſuch reſpective Owners or Occupiers ſhall not by themſelves, or their reſpective Agents, attend purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order therein as they ſhall think fit, in the ſame Manner as if ſuch reſpective Owners or Occupiers had attended purſuant to ſuch Notice.

Penalty on taking away Materials got by Surveyor.

XL. And be it further enacted, That if any Perſon or Perſons ſhall take, carry away, or remove any Materials, which ſhall have been dug or gathered for the Purpoſe of making or amending the ſaid Road, or ſhall get or take any Materials out of or from any Pit or Quarry which ſhall have been made for the Purpoſe of getting Materials for the ſaid Road, before the ſaid Surveyor or his Workmen ſhall have diſcontinued working therein for the Space of Twenty-eight Days, (except the Owner or Occupier of the Ground, and who may work and get Materials therein for his own private Uſe only, and not for Sale), every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Surveyor may remove Annoyances.

XLI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors for the Time being, and ſuch Perſon or Perſons as he or they ſhall or may appoint from Time to Time, to prevent all Nuiſances or Annoyances on any Part or Parts of the ſaid Road, by Timber, Stone, Carriages, Saw Pits, or other Pits, Dung, Filth, Rubbiſh or otherwiſe; and to turn any Watercourſes, Gutters, Conduits or Drains, running into the ſame to the Prejudice thereof, and to open, ſcour, and cleanſe, deepen and enlarge any Gutter, Ditch, Conduit or Watercourſe adjoining or near the ſaid Road, or any Part or Parts thereof, and alſo to cut down, lop or top any Branches or Buſhes growing in the Hedges, Fences, or Grounds adjoining thereto, (ſo as to reduce ſuch Hedges to any Height not leſs than Three Feet), and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of Lands, where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Fourteen Days next after Notice in Writing given for that Purpoſe, under the Hand of ſuch Surveyor

veyor or Surveyors, the Charges whereof (to be ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor by ſuch reſpective Owners or Occupiers ſo neglecting as aforeſaid, and ſhall be levied and recovered in the ſame Manner as the Penalties, Forfeitures, and Fines are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Annoyances any Perſon ſhall offend again in the like Manner, every ſuch Perſon ſhall, for every ſuch ſubſequent Offence, forfeit and pay any Sum not exceeding Five Pounds.

Surveyors may make Cauſeways, cut Drains, &c.

XLII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors, and ſuch other Perſon and Perſons as ſhall be appointed or employed by him, by Order of the ſaid Truſtees, to cut and make Ditches, Drains, and Watercourſes, in and upon the ſaid Road, and alſo through any Grounds lying contiguous thereto, and to make ſufficient 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 the ſaid Truſtees or Surveyor ſhall judge neceſſary; and alſo to make or cauſe to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road, to be made uſe of as a Road whilſt the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travelling, making ſuch Satisfaction to the Owners and Occupiers of ſuch Grounds to be uſed, cut through, or built upon, for the Damage which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees ſhall judge reaſonable.

Truſtees may widen, turn, or alter the Roads.

XLIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to widen, turn, or alter any Part or Parts of the ſaid Road intended to be repaired and made by virtue of this Act, for ſhortening the ſame or rendering the ſame more commodious, or for the better Accommodation of Paſſengers, according to the Map or Plan herein referred to, and that ſuch Variation of the ſaid Road may be made through or over any Moor or Waſte Ground without making any Satisfaction for the ſame; and alſo through or over any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage 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 Grounds or Hereditaments for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners and Perſons intereſted, or any of them, ſhall or may any ways ſuſtain by ſuch widening, turning, 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, or other Truſtees whatſoever, for or on Behalf of any Infant, Femes Covert, *Ceſtuique* Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Hereditaments, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them all or any of ſuch Lands or Hereditaments, as Occaſion ſhall be or require; and all Contracts, Sales, and Conveyances which ſhall be ſo made, ſhall without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in Law, to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politic,

Corporations and incapacitated Perſons empowered to ſell.

Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owner, Proprietor, or Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given or left in Writing at the Dwelling Houſe or Houſes, or Place or Places of Abode of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments ſo to be taken in or 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, by the Space of Thirty 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 to be enquired into and aſcertained by and upon the Oath of a Jury of Twelve indifferent Men of the County wherein ſuch Lands, Grounds or Hereditaments do lie, which Oaths any Two or more of the ſaid Truſtees are hereby empowered and required to adminiſter, what Damages ſhall be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, or Occupiers, or other Perſon or Perſons intereſted, for or on account of the taking of ſuch Lands, Grounds, or Hereditaments into the ſaid Road, or turning any Part or Parts of ſuch Road into the ſame Lands, Grounds, or Hereditaments; and in order thereto the ſaid Truſtees are hereby empowered and required from Time to Time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, which Oath any Two or more of the ſaid Truſtees are hereby empowered to adminiſter; and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means as well for their own as 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 Damage and Recompence, the ſaid Truſtees ſhall thereupon order, adjudge, and determine, the ſaid Sum orSums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners, Proprietors, or Occupiers of, or other Perſons intereſted in the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition and Judgment, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming in Poſſeſſion, in Fee, or in Tail General or Special, Reverſion or Remainder, or otherwiſe their Heirs and Succeſſors, as well abſent as preſent; Infants, Femes Coverts, and Perſons under any other Diſability whatſoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Perſons whomſoever; and all and every ſuch Owners, Proprietors, and Occupiers, and all and every Perſon and Perſons any ways intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, thereby be from thenceforth to all Intents and Purpoſes diveſted of all Right, Title, Claim,

On Refuſal to ſell, a Jury to ſettle the Recompence;

their Verdict to be final.

Claim, Intereſt, and Property, of, in, to, or out of the ſame; and for the ſummoning or returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein the Lands, Grounds, or Hereditaments in queſtion as aforeſaid do lie, thereby commanding and enquiring him to empannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees at ſuch Time and Place, and within ſuch County, as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, 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 Two or more of them, ſhall ſwear, or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen, when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes; and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn refuſing to give or not giving their Verdict, or 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 ſaid Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence, and from Time to Time to levy or apply ſuch Fine or Fines in the ſame Manner as other Penalties, Forfeitures, or Fines are herein-after directed to be levied and applied, ſo that ſuch Fine ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff or his Deputy, and the Sum of Forty Shillings upon any other Perſon, for any One Offence.

Sheriff to ſummon Juries.

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

XLIV. 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 and deliver 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 Hereditaments, or for any ſuch Loſs or Damage than what ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence and Satisfaction for any ſuch Right, Intereſt, or Property, or any Loſs or Damage as aforeſaid; then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, for aſcertaining and determining the Value of any ſuch Right, Property, or Intereſt, or the Loſſes or Damages ſuſtained as aforeſaid, ſhall be paid by the ſaid Truſtees; but if any Jury or Juries ſo ſummoned and ſworn as aforeſaid ſhall give in and deliver a Verdict or Aſſeſſment for no more or for leſs Monies than ſhall have been agreed to and offered by the ſaid Truſtees before the ſummoning and returning of the ſaid Jury or Juries as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences

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

pences of ſummoning and maintaining the ſaid Jury and Witneſſes 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 aſcertained and ſettled by ſome Juſtice or Juſtices of the Peace for the County wherein ſuch Lands, Grounds, or Hereditaments reſpectively ſhall lie, not being intereſted in the Matter in Queſtion, who is and are hereby empowered and required to examine, aſcertain, and ſettle the ſame, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged as ſo much Money advanced to and for the Uſe of ſuch Perſon and Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken to all Intents and Purpoſes to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed or adjudged, or otherwiſe ſuch Coſts and Expences, in caſe the ſame are not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by ſuch Ways and Means as are herein-after provided for the Recovery of Penalties, Forfeitures, and Fines: Provided always, and it is hereby declared, that in Caſes where any Perſon or Perſons ſhall by Reaſon of Abſence have been prevented from treating, all ſuch Coſts and Expences ſhall be paid by the ſaid Truſtees in Manner aforeſaid.

Perſons abſent not to be charged with Expences.

Money allowed for Lands, &c. how to be charged and tendered.

XLV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid ſhall be paid out of the ſaid Tolls or out of the Monies borrowed on the Credit thereof to the Parties or Perſons reſpectively entitled thereto, or to their Agents, or into the Bank of *England*, for the Purpoſe of being diſpoſed of in Manner herein-after mentioned, and after Ten Days Notice thereof given to ſuch Parties or Perſons, or their Agents, ſuch Lands or Hereditaments 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 to all Intents and Purpoſes whatſoever become and be, and be deemed and taken to be a Common Highway and Part of the ſaid Road, and be repaired and kept in Repair in ſuch Manner as the ſaid Road hereby appointed to be made and repaired is by this or any other Law to be made and repaired, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands, Grounds, or Hereditaments; and after ſuch new Road ſhall be completed, the Lands conſtituting ſuch former Road or any Part thereof, unleſs leading over ſome Moor or Waſte Ground, or to ſome Village, Town, or Place, to which ſuch new Road doth not lead, ſhall be veſted in the ſaid Truſtees for the Time being, and ſhall and may be ſold and conveyed by the ſaid Truſtees for the beſt Price that can be gotten for the ſame, and the Money ariſing from ſuch Sale ſhall be applied to the Purpoſes of this Act; and the ſaid Truſtees are hereby empowered to give in Exchange any Part or Parts of the Lands conſtituting the former Road, and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of ſuch Lands or Grounds being executed by the ſaid Truſtees, and enrolled in the Office of the Clerk of the Peace for the County wherein ſuch Road ſhall lie, ſhall be good and effectual in Law to all Intents and Purpoſes whatſoever; but this Act ſhall not extend to the taking down of any Dwelling-houſe or other Building, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk or Avenue to a Houſe, or Plantation, or Nurſery of Trees, without the Conſent in Writing

Writing of the Owners or Proprietors thereof and other Perſons intereſted therein, any Thing herein contained to the contrary notwithſtanding: Provided always, that when any Grounds ſhall be ſold by the ſaid Truſtees in purſuance of the Powers of this Act, the ſame ſhall be firſt offered at a fair and reaſonable Price to the Perſon or Perſons from whom the ſame ſhall have been purchaſed, his, her, or their Heirs; or in caſe of the Sale of Part of an old Road, the ſame ſhall be firſt offered at a reaſonable Price to ſuch Perſon or Perſons as ſhall have Lands adjoining thereto; and in caſe ſuch Perſon or Perſons reſpectively ſhall not then and thereupon agree, or ſhall refuſe to purchaſe the ſame, any Affidavit to be made and ſworn before a Maſter Extraordinary of 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 an Offer was made by and on the Behalf of the ſaid Truſtees, and that ſuch Offer was not then and there agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and was not agreed to, or was refuſed by the Perſon or Perſons to whom 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 the diſputed Value of Premiſes to be purchaſed by the ſaid Truſtees in purſuance of this Act, and the Expence of hearing and determining ſuch Difference ſhall be borne and paid in like Manner as herein-before directed, with reſpect to ſuch Purchaſe made by the ſaid Truſtees *mutatis mutandis*.

Application of Compenſation Money if amounting to 200l.

XLVI. And be it further enacted, That if there ſhall be any Money to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments, purchaſed, taken or uſed, by virtue of this Act, which ſhall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Truſtees, Committees, Femes Covert, or other incapacitated Perſon or Perſons, ſuch Monies ſhall, if the ſame amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Monies ſhall be paid 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 and Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſaid Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments 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 Direction 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,

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 ſaid 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 Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and exceeding 20l.

XLVII. Provided always, and be it further enacted, That in caſe the Money ſo to be paid for any Lands, Tenements, or Hereditaments, purchaſed taken or uſed for the Purpoſes aforeſaid, and belonging to any Body Politic, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and 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 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 ſaid 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 the Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the ſame ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where leſs than 20l.

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

XLIX. And

In cafe of not making out Titles, or if Perſons cannot be found,

XLIX. 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 into the Bank as aforeſaid.

Purchaſe Money to be paid into the Bank;

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

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

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

LI. Provided

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

LI. Provided alſo, and be it further enacted, That where by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and be applied in the Purchaſe of other Lands, Tenements, 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 ſaid 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: Provided always, that Lords of Manors or other Proprietors ſhall have the ſame Intereſt and Property in and to the Soil and Royalties of or within ſuch new Roads as they were ſeized or poſſeſſed of or entitled unto in the former Roads, and in lieu whereof ſuch new Roads ſhall be made; and that all Mines, Minerals and Foſſils, lying under any Grounds made uſe of for the Purpoſes of this Act, and not conſtituting any Part or Parts of the preſent Road, as well as under the former Roads, ſhall continue to be the Property of the Perſon or Perſons who from Time to Time have been ſeized of or entitled to the ſame in caſe this Act had not been made, and in caſe the Owner of any ſuch Ground ſhall require a Certificate from the ſaid Truſtees of the Quantity and Situation of Ground ſo made uſe of, the ſaid Truſtees are hereby empowered and required to grant ſuch Certificate *gratis*, and ſuch Certificate may be enrolled in the Office of the Clerk of the Peace of the County wherein ſuch Grounds ſhall lie, and a true Copy thereof ſigned by ſuch Clerk of the Peace, or his Deputy, ſhall be deemed legal Evidence of the ſame: 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 intereſted.

Lords of Manors, &c. to have the ſame Intereſt in the new as old Roads.

Truſtees to fence the new Road.

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

Lands liable to repair Bridges and Roads, to continue ſo.

LIII. Provided always, and be it further enacted, That where the ſaid Road or any particular Part or Parts thereof, or any Bridges, Arches, Drains, Sewers, or Watercourſes, in and upon the ſame Road, have been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, Bodies Politic or Corporate, by Reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by the ſaid Counties of *Durham* and *Northumberland*, or by any Pariſh or Townſhip therein reſpectively, or otherwiſe howſoever, all and every ſuch Part and Parts of the ſaid Road, and all ſuch Bridges, Arches, Drains, Sewers, and Watercourſes, ſhall from Time to Time be maintained and kept in Repair by ſuch Perſon and Perſons, Bodies Politic and Corporate, Corporations, Wards,

Wards, Pariſhes or Townſhips, and in ſuch Manner as the ſame ought to have been maintained and kept in Repair in caſe this Act had not been made.

Perſons liable to Statute Duty to continue ſo.

LIV. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto; and it ſhall be lawful for any Two or more Juſtices of the Peace within their reſpective Juriſdictions, and they are hereby empowered and required, (upon Application made to them by the ſaid Truſtees, or any Two or more of them, or by their Treaſurer, Clerk, or Surveyor by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies; and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her or them paid to the ſaid Truſtees or their Treaſurer or Treaſurers; and in order thereunto, it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Seven 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 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 to be ſubject and liable to Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Road as the ſaid Juſtices ſhall think reaſonable; and the ſame ſhall be done on ſuch Days and at ſuch Times (not being 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 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 authorized or directed to be recovered by this Act; 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 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 Roads, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the 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 Ten Pounds.

Truſtees may compound for Statute or other Work.

LV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to compound and agree by the Year or otherwiſe, with the Owners and Occupiers of any Lands, Tenements, and Hereditaments liable and chargeable with or towards the Repair of any Part of the ſaid Road, or with any Perſon or Perſons for the Performance of his or their Statute Work thereon; and alſo for the reſpective Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, Hamlets, and Places in which the ſaid Road lies, to compound and agree by the Year or otherwiſe with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by the Inhabitants of ſuch Pariſhes, Townſhips, Hamlets, and Places upon any Part of the ſaid Road, all which Compoſition Monies ſhall be paid in Advance; and ſuch reſpective Surveyors ſhall be repaid or reimburſed all the Compoſition Monies which ſhall be ſo paid by them, and may recover the ſame in like Manner as Surveyors of the Highways are by Law enabled to recover the Monies by them expended in buying Materials for repairing the ſaid Highways.

How Penalties to be recovered and applied.

LVI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act impoſed, or authorized to be impoſed, the Manner of recovering and levying of which is not herein otherwiſe particularly directed, ſhall upon Proof of the Offences and Conviction of the Offenders reſpectively before any One or more Juſtice or Juſtices of the Peace for the Counties of *Durham* and *Northumberland* reſpectively, wherein ſuch Offences ſhall be committed, either by the Confeſſion of the Party or Parties offending, or by the Oaths of any one or more credible Witneſs or Witneſſes, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties 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 required to grant for thoſe Purpoſes, and to adminiſter ſuch Oath; 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 levied (if not otherwiſe directed by this Act) ſhall be paid to the ſaid Truſtees or their Treaſurer, and applied in the Execution of this

this Act; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid, such Justice or Justices is and are hereby authorized and required by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction for the County wherein the Offence shall have been committed, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LVII. And for the easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the Form following, *mutatis mutandis*, as the Case shall happen to be:

Form of Conviction.

County } ‘ 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*
‘ *convicting Justice or Justices*], for that the said *A. B.* [*Name of Offender*],
‘ on [*Time of committing Offence*], at [*Place of committing Offence*], did
‘ [*here state the Offence against this Act according to the Fact*], contrary to
‘ the Form of the Statute made in the Fifty-fifth 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 [*the*
‘ *Fine*], or shall be committed to [*the 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.’

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

LVIII. 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 to be made, or any other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be quashed for Want of Form, or 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.

Appeal to Quarter Sessions.

LIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Determination, Proceeding, Matter, or Thing, made or done in pursuance of this Act, (save and except any Order, Determination, Proceeding, Matter or Thing, herein-before directed to be final) and for which no particular Relief hath been herein-before provided, such Person or Persons may, within Three 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 in which such Cause of Complaint shall arise; such Appellant or Appellants first giving or causing to be given Twenty-one Days Notice 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 Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County with Two sufficient Sureties, conditioned to try such appeal at, and abide the Order of, and pay such Costs as shall be awarded against

against him, her, or them, by the Juſtices at ſuch reſpective Quarter Seſſion; and the ſaid Juſtices at their reſpective Seſſions, on due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall proceed in, hear, and finally determine the Cauſe and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing, or appealed againſt, as the ſaid Juſtices reſpectively ſhall think proper, and their Determination ſhall be final, binding and concluſive, to all Intents and Purpoſes.

Public Act.

LX. 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.

Its Commencement and Continuance.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.