ANNO QUADRAGESIMO QUINTO

# GEORGII III. REGIS.

## *Cap.* 17.

An Act for repealing Three Acts, passed in the Twentieth, Twenty-second, and Twenty-sixth Years of the Reign of King *George* the Second, for repairing the Road from *Stockton-upon-Tees* to *Darlington*, and from thence to *Barnardcastle*, in the County of *Durham*; and for more effectually repairing the said Road. [5th *April* 1805.]

WHEREAS by an Act of Parliament, passed in the Twentieth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for repairing the High Road leading from the Town of* Stockton-upon-Tees, *in the County of* Durham, *to* Darlington, *and from thence through* Winstone *to* Barnardcastle, *in the same County*, several Tolls and Duties were granted and made payable, and divers Powers were given to the Trustees therein named for repairing the said Road; which Act was to have Continuance from the Eighth Day of *June* One thousand seven hundred and forty-seven, for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas by an Act, passed in the Twenty-second Year of His said late Majesty's Reign, the said former Act was continued, with some Alterations and additional Provisions, for a further Term therein mentioned: 20 G. 2. 22 G. 2.

26 G. 2.

mentioned: And whereas by another Act, paſſed in the Twenty-ſixth Year of His late Majeſty's Reign, the ſaid former Acts were continued with ſeveral Alterations and additional Proviſions for a further Term therein mentioned: And whereas the Truſtees nominated and appointed to put the ſaid Three ſeveral Acts into Execution have, in purſuance of the Powers thereby given to them, borrowed ſeveral conſiderable Sums of Money on the Credit of the Tolls thereby reſpectively granted, which ſtill remain due, and cannot be repaid, nor can the ſaid Road be kept in good Repair, unleſs the Tolls, Powers, and Proviſions granted by the ſaid Acts reſpectively be further continued, or new and other Tolls, Powers, and Proviſions be granted for thoſe Purpoſes; and it will be convenient that all ſuch Tolls, Powers, and Proviſions ſhould be conſolidated and contained in One Act of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That on the Day of the Commencement of this Act, all the Tolls, Powers, Penalties, Forfeitures, Puniſhments, Exemptions, Clauſes, Proviſions, Matters, and Things contained in the ſaid Three former Acts of Parliament, or any of them, ſhall ceaſe, determine, and become void, and from thenceforth the ſame are hereby repealed; and inſtead thereof the ſeveral Tolls, Powers, Penalties, Forfeitures, Puniſhments, Exemptions, Clauſes, Proviſions, Matters, and Things herein contained, ſhall commence and take place, and ſhall be put in Execution, and continue in force, for and during the Term herein-after limited, for the Purpoſe of amending, repairing, widening, altering, turning, improving, and keeping in Repair the ſaid Road, leading from the Town of *Stockton-upon-Tees*, in the County of *Durham*, to the Town of *Darlington*; and from thence, through *Winſtone*, to the Town of *Bernardcaſtle*, in the ſame County.

Term of thoſe Acts neceſſary to be continued, and the Power altered.

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

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

Truſtees.

III. And be it further enacted, That *John Arden*, *George Allan*, *Robert Allan*, *William Addiſon* Clerk, *Chriſtopher Anſtey* Clerk, *John Allifon*, *John Addie* Doctor of Medicine, *Rowland Burdon*, *Peter Bowlby* Doctor of Laws, the Honourable *Richard Byron* Clerk, *Calverley Bewicke*, *George Baker*, *John Burdon*, *George Brown*, *Thomas Bowes* of *Bradley*, *Thomas Bowes* of *Darlington*, *Charles Brandling*, *John Drake Bainbridge*, *Thomas Calvert Booth*, *John Bower*, *Robert Bower*, *Robert Biſs*, *James Backhouſe*, *James Backhouſe* Junior, *Francis Blackburn* Clerk, *Thomas Bowlby* Clerk, *Ralph Bell*, *Peter Bell*, *Thomas Beckett*, *Edward Bowerbank* Clerk, *Matthew Butterwick*, *George Barrington* of *Sedgefield* Clerk, *John Burn*, *Jonathan Backhouſe*,

*Backhouse*, *Robert Botcherby*, *John Brewster* Clerk, *John Barker*, *John Carr*, *Robert Colling* of *Hurworth*, *Robert Colling* of *Barmpton*, *Charles Collins*, *Sheldon Craddock*, *William Chayter*, *William Chayter* Junior, *Henry Chayter*, *Worcopp Conceit*, the Honourable *James Athol Cockrane* Clerk, *Matthew Crowe*, *Robert Croft* Clerk, ——— ———, *Robert Currey* Clerk, *Matthew Culley*, *George Culley*, *Stephen Cleasby*, *Thomas Clark*, *Robert Chaloner*, *Robert Crowe*, *James Crowe*, *Matthew Crowe*, *Thomas Crathorne*, *James Coates*, *George Coates*, *Robert Christopher*, *John Carr*, *Robert Clarke*, the Dean and Prebendaries of the Cathedral Church of *Durham* for the Time being, the Honourable *Lawrence Dundas*, *Edward Davison* Clerk, *George Davison* Clerk, *Benjamin Dunn* Junior, *Anthony Dunn*, *James Dowling*, the Mayor of *Durham* for the Time being, the Recorder of *Durham* for the Time being, *John Dinsdale*, *Henry Dinsdale*, *Thomas Davison*, Sir *John Eden* Baronet, Sir *Frederick Morton Eden* Baronet, *Robert Eden*, *Thomas Eden*, *John Morton Eden*, *Charles Egerton* Clerk, *Francis Egerton* Clerk, *John William Egerton*, *William Emm*, *John Walton Elliott*, *George Edwards* Doctor of Medicine, *David Burton Fowler*, *George Fenwick*, *John Ralph Fenwick* Doctor of Medicine, *William Fountain*, *Thomas Frankland*, *Thomas Fawell*, *Benjamin Flounders*, *John Garth*, *Henry Gale*, *John Goodchild*, *Chipchase Grey*, *John Gibson*, *Gordon* Clerk, *Thomas Greeve*, *William Grey*, Sir *Robert Darcy Hildyard* Baronet, *Charles Hope*, *Timothy Hutchinson*, *William Hutchinson* of *Eggleston*, *William Hutchinson* of *Barnardcastle*, *William Hoar*, *George Hoar*, *Michael Hardcastle*, *Anthony Hopper*, *Leonard William Hartley*, *Francis Hartley*, *Ralph Hodgson*, *Hendry Hopper*, *Christopher Hopper*, *Thomas Hopper*, *William Harker*, *John Hullock*, *John Hullock* Junior, *William Hill*, *Anthony Hammond*, *Robert Hutton*, *John Hutton* Clerk, *George Hutton*, *Thomas Hopper*, *Henry Hildyard* Clerk, *Thomas Hays* Clerk, *John Hogg*, *John Hopper*, *John Hunter*, *George Hoar* Junior, *Henry Hutchinson*, *Thomas Hassler*, *George Hutchinson*, *William Hixon*, *Cornelius Harrison*, *George Hodgson*, *Henry Hale* Clerk, *Charles Hope*, *John Hutchinson*, *Carr Ibbetson*, *Francis Johnson*, *Robert Ilderton*, *John Jackson*, *William Jackson*, *Henry Ibbetson*, *William Ward Jackson*, *James Jackson*, *William Kirton*, *Richard Kirton*, Sir *Thomas Liddell* Baronet, Sir *John Lawson* Baronet, *Ralph John Lambton*, *Edwin Lascelles*, *Newbey Lowson*, *Robert Lascelles* Clerk, *Robert Lamb* Clerk, *William Longstaff* Clerk, *William Lawrence*, *William Lispcomb* Clerk, *Benjamin Lumley* Clerk, Sir *Ralph Milbanke* Baronet, *John Milbanke*, *John Maling*, *Jacob Maude*, *Thomas Morling* Clerk, *Thomas Mewburn*, *Henry Mills*, the Reverend *Henry Mills* Junior, *Randolph Morriott*, *William Marwood*, *John Mowbray*, *Arthur Mowbray*, *Henry Maire*, *William Miller* Clerk, *Pulleyne Moseley*, *Edward Maynell*, *George Merryweather*, *John Douthwaite Nesham*, *William Nesfield* Clerk, *Christopher Nesham*, *Thomas Nicholson*, *Ralph Ord*, *Ralph Ord* Junior, *William Ord*, *Daniel Ord*, *Thomas Ord* of *New Town*, Sir *James Pennyman* Baronet, *Benjamin Pye* Doctor of Laws, *Richard William Pierse*, *Henry Pierse*, *Mathew Parrington* Clerk, *John Peacock* Clerk, *Marwood Place*, *Henry Pulleine*, *William Peacock* Junior, Clerk, *Fotherby Pannell* Doctor of Medicine, *James Proctor*, *Charles Plumtree*, *John Preston*, Sir *Matthew White Ridley* Baronet, Sir *Alexander Ramsey* Baronet, *William Russell*, *Ralph Robinson*, *James Robinson*, *John Robinson*, *Thomas Robson*, *Matthew Raine* Clerk, *George Robinson*, *Richard Richardson* Clerk, *James Robson*, *Matthew Russell*, *Henry Richardson* Clerk, *Fletcher Rigge*, *John Russell Rowntree*, *Leonard Raisbeck*, *Bartholomew Rudd*, *Robert Eden Duncombe Shafto*, *Robert Surtees*, *George Sutton*, *Reed Sutton*, *Charles Spearman*, *Leonard Smelt*, *Leonard Spenceley*,

*Spenceley*, *George Smith*, *Richard Spenceley*, *William Salvin*, *Henry Stapylton*, *Richard Stonehewer*, *Ralph Spark*, *Robert Weems Spearman*, *Thomas Simpson*, *Thomas Simpson* Junior, *Pinkney Simpson*, the Mayor of *Stockton* for the Time being, *Francis Smith*, *Samuel Smith*, *Anthony Storey*, *Robert Smith*, *Richard Sherwood*, *Richard Scruton*, *Luke Seymour*, *William Sleigh*, *Michael Scarth*, Sir *Charles Turner* Baronet, Sir *John Chircklee Turner* Knight, *John Theackstone* Clerk, *John Trotter*, *Thomas Holmes Tidy* Clerk, *Richard Tinkler* Clerk, *Robert Thorpe* Clerk, Sir *Henry Vane Tempest* Baronet, *Samuel Viner* Clerk, Sir *Hedworth Williamson* Baronet, *Robert Hopper Williamson*, *William Wilberforce*, *John Hall Wharton*, *Robert Wilson*, *John Walker*, *John Wailes*, *Robert Wharton*, *Richard Wharton*, *Richard Wright*, *Rowland Webster*, *Thomas Wycliffe*, *John Wycliffe*, *John Wastell*, *Moorcroft Wastell*, *John Wear*, *John Wright*, *George Watson*, *Edward Wilson*, *Joseph Watkins* Clerk, *Daniel Watson* Clerk, *Christopher Wyville* Clerk, *William Wrightson* of *Cockerton*, *William Wrightson* of *Morton*, *George Wardell*, *Jacob Wilson Wardell*, *Thomas Wilkinson* of *Hurworth*, *John Weitherall*, *George Ward*, *Robert Wilson*, *William Wilson*, *John Waldy*, *Thomas Waldy*, *Thomas Ward*, *Nicholas Walton*, *William Wetenhall*, *Henry Walker*, *Loyzelure Wilkinson*, *Henry Wilkinson*, *Thomas Wharton*, *John Wilson*, *William Wrightson* of *Cusworth*, *Dareley Wadelove* Clerk, *Benjamin Walker* Clerk, *Charles Walker* Clerk, *Robert Waugh* Clerk, *Thomas Wilkinson*, *Thomas Wilkinson* of *Stockton*, *James Wilson*, *Rowland Webster* the younger, *John Yorke*, *John Zouch* Clerk, shall be and they are hereby appointed Trustees for amending, repairing, widening, altering, improving, and keeping in Repair the said Road, and for putting into Execution the several Powers and Authorities in and by this Act given and granted, and for carrying into Effect the several Purposes of this Act.

Power to elect new Trustees.

IV. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in Manner herein-after mentioned, shall die, or by Writing under their respective Hands refuse to act in the Execution of this Act, it shall be lawful for the remaining or surviving Trustees, or any Five or more of them, from Time to Time, to elect and appoint One other fit Person to be a Trustee, in the Room of every Trustee dying or refusing to act as aforesaid; provided that publick Notice of the Time and Place of the Trustees Meetings for every such Election be given by the Clerk, to be appointed by them as herein-after mentioned, to be affixed in Writing upon all the Turnpike Gates then erected upon the said Road, and to be inserted in One or more of the Newspapers published at *Newcastle-upon-Tyne*, Ten Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

Qualification of Trustees

V. Provided always, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in any Case in the Execution of this Act (other than and except the Mayor and Steward of the Borough of *Stockton-upon-Tees* aforesaid, and the Bailiff of the Town and Borough of *Darlington* aforesaid, for the Time being), unless he shall be in his own Right, or in Right of his Wife, seised and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, Tenements, Tythes,

Tythes, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir apparent of a Perſon ſo ſeiſed of Meſſuages, Lands, Tenements, Tythes, or Hereditaments of the clear yearly Value of Three hundred Pounds above Reprizes; 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 at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than one Imparlance, ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty upon Proof given of his having acted as a Truſtee in the Execution of this Act: *Provided nevertheleſs*, That all Acts and Proceedings by any ſuch Perſon as a Truſtee, in the Execution of this Act, previous to his being convicted of the ſaid Offence, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Direction of this Act.

Truſtees holding Places of Profit ſhall not act.

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

Truſtees who are Juſtices may act.

General Meeting of the Truſtees.

VII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at the Houſe of *Jane Thompſon*, known by the Sign of the *Talbot* in *Darlington* aforeſaid, on the Day of the Commencement of this Act, or as ſoon after as conveniently may be, and ſhall then proceed to carry this Act into Execution; and that the ſaid Truſtees, or any Five or more of them, ſhall then, and from Time to Time afterwards, adjourn themſelves, and meet at the ſame Place, or at ſuch other Place upon, or near, the ſaid Road, and at ſuch Times as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time order and direct.

Clerk and Two Truſtees may adjourn Meeting.

VIII. Provided always, and be it further enacted, That if it ſhall happen that a ſufficient Number of the ſaid Truſtees ſhall not attend at any Meeting of the ſaid Truſtees to act at ſuch Meeting, then, and in every ſuch Caſe, the Clerk or Clerks to the ſaid Truſtees, with any Two or more of the ſaid Truſtees who ſhall be preſent at ſuch Meeting, ſhall and may adjourn the ſaid Meeting to any other Day within Three Months from ſuch Meeting, to the Place where the laſt Meeting was appointed to be held; but ſuch Two Truſtees ſhall not do any other Act in the Execution of this Act except adjourning ſuch Meeting as aforeſaid.

In Caſe of no Attendance, Clerk to adjourn Meeting.

IX. Provided alſo, That if at any Meeting appointed to be held by virtue of this Act there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn, or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, the Clerk to the ſaid Truſtees ſhall, from Time to Time, as often as ſuch Caſe ſhall happen, by Notice in Writing

to be affixed upon all the Turnpike-gates then erected upon the said Road, and to be inserted in One or more of the Newspapers published at *Newcastle-upon-Tyne* aforesaid, Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to have been held on that Day Three Weeks next after the Day on which such last Meeting was appointed.

Meetings of Emergency.

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, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by Three or more of the said Trustees mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof, and of the Time, Place, and Purpose mentioned in such Order, in the Manner last herein-before directed (such Time not being less than Six Days after such Notice), and such earlier Meeting shall and may be held accordingly; and the said Trustees at all their Meetings shall defray their own Expences.

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

XI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them (except in Cases wherein the Concurrence of more than Five Trustees is hereby made requisite, and in such Cases for a competent Number of the said Trustees according to the Circumstances), at all Meetings held in pursuance of this Act, and they are hereby empowered to make all necessary Orders, Agreements, and Determinations in the Execution of this Act; and no such Order, Agreement, or Determination, shall be made, unless the Majority of the Trustees present at a Meeting shall concur therein; and no such Order, Agreement, or Determination shall be revoked or altered at any subsequent Meeting unless Seven Trustees or more shall be present, and a Majority of them shall concur therein.

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

XII. And, for the Purpose of collecting and receiving the Tolls hereinafter granted or made payable, be it further enacted, That the said Trustees, or such other Person or Persons as they, or any Five or more of them, shall direct and appoint, shall and may erect or cause to be erected, such and so many Toll Gates or Turnpikes in, upon, or across such Parts and in such Places of the said Road, and also such and so many Toll Gate or Toll Gates, Turnpike or Turnpikes, on the Sides of the said Roads, and in, upon, or across any Lane or Bye-way that does or shall lead into or out of the same, as they the said Trustees or any Five or more of them shall think proper and expedient; and also shall and may erect or provide a Toll House, with suitable Buildings, a Garden, and other Conveniences at or near each of the said Toll Gates or Turnpikes, and shall and may uphold, support, continue, alter or remove such and so many of the Turnpikes or Toll Houses, with the Appurtenances, erected and provided by virtue of the said former Acts or any of them, or which shall be erected and provided by virtue of this Act, as the said Trustees, or any Five or more of them, shall think proper; and shall and may provide, erect, place, uphold and support such Number of Lamps upon or near to the said Turnpikes or Toll Houses, and in such other Situations and Places as they shall judge necessary for the Convenience and Safety of Persons travelling the said Road: Provided that none of the

said

ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Fourteen Days previous Notice of the Intention to remove the ſame ſhall have been given in One or more of the Newſpapers publiſhed at *Newcaſtle-upon-Tyne* aforeſaid, and alſo affixed in Writing upon all the Toll Gates or Turnpikes then ſtanding upon the ſaid Road.

Truſtees not to erect Turnpikes in particular Situations.

XIII. Provided alſo, and it is hereby enacted and declared, That nothing herein contained ſhall empower the ſaid Truſtees, or any other Perſon or Perſons whomſoever, to erect or place any Turnpike Gate, or Toll Bar, at any Place in or upon the ſaid Road nearer to the Market Croſs in the Town of *Stockton-upon-Tees* than One Mile and an Half; or at any Place in or upon the ſaid Road nearer to the Market Croſs in the Town of *Darlington* than One Mile and an Half; or at any Place in or upon the ſaid Road nearer to the Market Croſs in the Town of *Barnardcaſtle* than One Mile and an Half; nor at any Place in or upon any Part of the Road directed and appointed to be repaired by this Act, and alſo directed and appointed to be repaired by virtue of an Act of Parliament, paſſed in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing the Term, and altering, enlarging, and conſolidating the Powers, of Two Acts of Parliament, paſſed in the Twenty-firſt and Twenty-ſeventh Years of the Reign of His late Majeſty King* George *the Second, for repairing the High Road from* Pierſebridge *to* Kirkmerrington, *in the County of* Durham, *and from thence to the Turnpike Road at* Tuddoe Lane End *in the ſame County*, during ſo long Time as there ſhall be no Turnpike or Toll Gate ſet up or erected by virtue of or under the Authority of the ſaid Act of the Thirty-third Year of His preſent Majeſty, at any Place in or upon any Part of the ſaid Road ſo directed and appointed to be repaired by the ſaid laſt Act and this Act.

Toll Houſes, &c. veſted in the Clerk and Treaſurer.

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

Power to take Tolls.

XV. And be it further enacted, That the ſeveral Tolls herein-after particularly mentioned ſhall be demanded and taken in the ſeveral Parts, Shares,

Shares, and Proportions into which the ſame ſhall be divided, allotted, apportioned and made payable, as herein-after is provided, at the reſpective Toll Gates, Turnpikes, and Side Gates erected or to be erected upon the ſaid Road, by ſuch Perſon or Perſons as the ſaid Truſtees, or any Five or more of them ſhall from Time to Time appoint for that Purpoſe, before any Horſe, Beaſt, Cattle or Carriage, upon which any Toll is by this Act impoſed, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls For every Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, or Hearſe, drawn by Six or more Horſes, Mares, Geldings, or Mules, the Sum of Eight Shillings; and drawn by Four Horſes, Mares, Geldings, or Mules, the Sum of Five Shillings and Four-pence; and drawn by Two Horſes, Mares, Geldings, or Mules, the Sum of Two Shillings and Eight-pence:

And for every Chaiſe or Chair drawn by One Horſe, Mare, Gelding, or Mule the Sum of One Shilling and Fourpence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Four-pence *per* Score, and ſo in proportion for any greater or leſs Number:

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

For every Waggon, Wain, Cart, or other ſuch Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth ſo flat or level as not to deviate more than One Inch from a flat Surface, and not laden with or going for Coals or Cinders, and drawn by Eight Horſes, Oxen, or other Beaſts of Draught, the Sum of Six Shillings and Eight-pence; and drawn by Seven Horſes, Oxen, or other Beaſts of Draught, the Sum of Six Shillings; and drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Five Shillings and Four-pence; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Four Shillings and Eight-pence; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Four Shillings; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings and Eight-pence; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Eightpence:

For every Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling ſuch flat or level Surface as aforeſaid, and not laden with or going for Coals, or Cinders, and drawn by Six Horſes, Oxen, or other Beaſts of Draught, the Sum of Six Shillings; and drawn by Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Six Shillings; and drawn by Four Horſes, Oxen, or other Beaſts of Draught, the Sum of Six Shillings; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of Four Shillings; and drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of One Shilling and Sixpence:

For

For every Waggon, Wain, Cart, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, and not laden with or going for Coals or Cinders, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Nine Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Two Shillings:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling such flat or level Surface as aforesaid, and laden with or going for Coals or Cinders only, and drawn by Eight Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings and Four-pence; and drawn by Seven Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings and Eight-pence; and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Four-pence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Eight-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Eight-pence:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling such flat or level Surface as aforesaid, and laden with or going for Coals or Cinders only, and drawn by Six Horses, Oxen, or other Beasts of Draught; the Sum of Four Shillings; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Shilling:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, and laden with or going for Coals or Cinders only, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Shilling:

For every Horse, Mare, Gelding, Mule, or Ass, laden with or going for Coals or Cinders only, and not drawing, the Sum of Two-pence:

For every Waggon, Wain, Cart, or other such Carriage, laden with Lead, Copper, Coals, or Cinders, at any Time between the Thirty-first Day of *October* and the First Day of *March* in every Year, in Addition to the Tolls herein-before imposed, double the Amount of

the Tolls or Sums of Money herein-before respectively mentioned and made payable for every Waggon, Wain, Cart, or other such Carriage laden as last aforesaid:

And for every Waggon, Wain, Cart, or other such Carriage, laden with any Goods or Merchandize other than Lead, Copper, Coals, or Cinders, at any Time between the Thirty-first Day of *October* and the First Day of *March* in every Year, in Addition to the Tolls herein-before imposed, a further Sum of the same Amount as the Tolls or Sums of Money herein-before respectively mentioned, and made payable for every such Waggon, Wain, Cart, or other such Carriage laden as last aforesaid, provided that no Carriages and Horses when employed at any Time of the Year in carrying or conveying Lime for the manuring of Lands shall be subject or liable to pay any further Toll or Duty than after the Rate of One Penny for each Horse drawing any such Carriage when so employed, any Thing herein contained to the contrary notwithstanding:

To apportion Tolls.

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

For settling Disputes concerning Tolls.

XVI. And be it further enacted, That if any Dispute shall happen concerning any Tolls due, or the Charges occasioned by any such Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, till the Quantity of the Tolls or the Charges of the Distress and Sale, and of keeping the same, as the Case may happen, be ascertained by some Justice of the Peace for the County, Riding, or District wherein the

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 Toll due, and alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and of the Collector's Attendance for that Purpoſe upon the ſaid Juſtice; 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 the Overplus after the Sale thereof or any Part thereof.

Collectors declared competent Witneſſes.

XVII. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation, ſhall ariſe touching, or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall be and is, and are hereby declared not to be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being appointed to collect ſuch Tolls.

No Toll to be taken where Cattle and Carriages going for, or returning with Coals, &c. do not travel 800 Yards on the Road.

XVIII. Provided always, and be it further enacted, That no Toll or Tolls, Duty or Duties, ſhall be demanded, taken, or received at any Turnpike or Toll Gate erected or to be erected upon the ſaid Road for any Waggon, Wain, Cart, or other Carriage, Horſe, Mare, Gelding, Mule, or Aſs, or any other Beaſt going empty or unladen for or returning laden with Coals, Cinders, or Lime only, unleſs they ſhall travel and go Eight hundred Yards on the ſaid Road; nor for any Waggon, Wain, Cart, or other Carriage, Horſe, Mare, Gelding, Mule, or Aſs, or any other Beaſt going empty or unladen for Coals, Cinders, or Lime only, any Diſtance upon the ſaid Road.

No Tolls to be taken of the Inhabitants of the Townſhip of Haughton at Haughton Bar; and no Toll to be taken within One Mile of Winſton.

XIX. Provided always, That nothing in this Act contained ſhall extend or be conſtrued to extend to the laying any Toll or Duty on any Waggon, Wain, Cart, or other Carriage, or any Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt belonging to any of the Inhabitants of the Townſhip of *Haughton*, at the Toll Gate or Turnpike now erected at the Weſt End of the Village of *Haughton*, or to the laying any Toll or Duty on any Waggon, Wain, Cart, or other Carriage, or any Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt going empty or unladen for or laden with Coals or Cinders, paſſing through any Toll Gate or Turnpike erected or to be erected nearer to the Town of *Winſton* than One Mile.

Tolls to be paid but once a Day.

XX. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than once at any one Toll Gate or Turnpike erected or to be erected upon the ſaid Road for paſſing or repaſſing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) with or driving the ſame Horſes, Cattle, Beaſts, and Carriages through the ſame Toll Gate or Turnpike, (except Waggons, Carts, or other Carriages laden with Copper, Lead, Coals, Lime, Cinders, Timber, or Stones, which ſhall not paſs or repaſs through the ſame Toll Gate or Turnpike oftener than Twice in the ſame Day without paying Toll a Second Time); but all and every Perſon and Perſons after having paid Toll once or twice (according to the Circumſtances), and producing a Ticket or Tickets denoting the Payment of ſuch Toll or Tolls, (which Tickets the

ſaid

said Collectors are hereby required to give *gratis* on Receipt of the Tolls), shall afterwards pass and repass with the same Horses, Cattle, Beasts, and Carriages, Toll free, during the same Day, through the same Toll Gate or Turnpike where such Toll or Tolls was or were paid.

Exemptions from Tolls.

XXI. Provided always, and it is hereby further enacted and declared, That all Coaches, Chariots, Chaises, Chairs, or other such Carriages and Horses, or other Cattle employed in carrying or conveying any Elector or Electors going to or returning from an Election or Elections of a Representative or Representatives in Parliament, either for the County or City of *Durham*, shall pass and repass Toll-free on the Day or Days of every such Election, and the Day before and the Day after every such Election shall respectively begin and end; and that none of the Tolls hereby granted, or any Part or Parts thereof, shall be demanded or received at any of the Turnpikes or Toll Gates erected or to be erected upon the said Road for any Carriages, Horses, or other Cattle employed in carrying or conveying any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for amending any of the Highways or Bridges in any of the Parishes or Townships in which the said Road lies, or any Dung, Mould, or Compost of any Nature or Kind soever, or any Hay, or Corn in the Straw only, to be laid up in the Houses, Outhouses, Barns, Stables, or Yards of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places through which the said Road passes, or any Carriages returning empty when so employed, or any Ploughs, Harrows, or other Implements of Husbandry, or any other Thing whatsoever employed by such Inhabitants respectively only in Husbandry, or manuring of Lands lying within such Parishes, Townships, or Places as aforesaid, nor for Cattle to stock such Lands; nor shall any of the Tolls or Duties hereby granted, or any Part or Parts thereof, be demanded or taken of any such Inhabitants who shall pass through any of the said Turnpikes to or from their respective Parish Churches, Chapels, or other Places of religious Worship tolerated by Law, on *Sundays* or Holy-days, or when attending the Funeral of any Person who shall be buried in any of the said Parishes; nor for any Horses, Geldings, Mares, or other Cattle going to or returning from Blacksmiths' Shops; nor for any Horses or other Cattle going to or returning from Pasture or watering Places (provided that such last-mentioned Exemption shall only extend to such Cattle as shall be driven to and from Water or Pasture from one Parish to the next adjoining Parish, or to such Cattle as shall not pass upon the said Road more than the Space of Two Miles in going to or returning from Water or Pasture); nor for Horses, Carts, or Carriages employed in carrying or conveying Vagrants sent by legal Passes; nor shall any Toll or Duty whatsoever be demanded or taken by virtue of this Act for or in respect of any Horses belonging to Officers or Soldiers upon 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 in carrying any wounded, sick, or disabled Officers or Soldiers; nor for any Horses, Cattle, or Carriages laden solely with military Stores; nor for any Carriages or Horses which shall be employed in conveying the Mail or Packet made up under the Authority or Direction of His Majesty's Post Master General or his Deputies; nor for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in

going to, or returning from, the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed 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 as aforesaid; nor shall any Horse or other Beast laden with Coals, and not drawing, between the Eleventh Day of *November* and the First Day of *March* in every Year be liable to pay any Tolls or Duties by this Act imposed; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid not being entitled to the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offenders shall be convicted.

To prevent evading the Tolls.

XXII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land or Ground adjoining or lying near to any Toll Gate or Turnpike erected or to be erected upon the said Road, or on the Side or Sides thereof, the same nor being a common Road or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person other than the Collectors of the said Tolls, or forge or counterfeit, any Note or Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Turnpike with any Horse, Cattle, Beast, or Carriage, or shall at any Time or Times take off, or cause to be taken off, any Horse, Ox, or any other Cattle or Beast, from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded, or shall leave or cause to be left, upon or near to any Part of the said Road, any Carriage, Horse, Cattle or Beast with an Intent to evade the Payment of any of the said Tolls, or any Part or Parts thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Trustees may compound for Tolls.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Townships, Hamlets, Parishes, or Places, to or through which the said Road leads, for the passing of their Horses, Cattle, or Carriages through all or any of the Toll Gates erected or to be erected on the said Road, or on the Sides thereof respectively; which Composition Money shall be paid yearly in Advance, and in Default thereof the Composition or Agreement shall be void.

Power to leaſe the Tolls.

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

Tolls to be varied.

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

Appointing Officers.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and they are hereby empowered at their Firſt or any ſucceeding Meeting, by Writing under their reſpective Hands, to appoint One or more Collector or Collectors of the ſaid Tolls, and One or more Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Road, and ſuch other Officers as the ſaid Truſtees, or any Five or more of them, ſhall think neceſſary; and ſuch Collectors, Clerks, Treaſurers, Surveyors and other Officers, or any of them, from Time to Time, to remove, and on the Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors, or other Officers, to appoint others in their Stead; and the ſaid Truſtees, or any Five or more of them, are hereby authorized, out of the Monies ariſing by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting to them or any of them in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances

Salaries to Officers.

jowances for their Attendance, Care, Labour, and Service, as the ſaid Truſtees, or any Five or more of them, ſhall deem reaſonable.

How Officers ſhall account.

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

Penalty on Refuſal.

How Truſtees may appoint temporary Collectors.

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

Meeting of the ſaid Truſtees appointed by virtue of this Act), by Writing under their reſpective Hands ſhall and may lawfully nominate and appoint a proper Perſon to be a Collector or Receiver of the ſaid Tolls, to continue until the then next Meeting of the ſaid Truſtees, in the Stead of ſuch Collector or Receiver who ſhall ſo die, become incapable, abſcond, or abſent himſelf; which Perſons ſo nominated and appointed ſhall have the like Powers and Authorities, and be anſwerable and accountable in the ſame Manner in all Reſpects as the Perſon who ſhall ſo die, become incapable, abſcond, or abſent himſelf, would have had or been ſubject to.

No Truſtee to vote for Officers who has not acted within Twelve Months.

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

Treaſurer to give Security.

XXX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall and are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, and other Officers to be appointed for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices, as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

For borrowing Money on Security of the Tolls.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Meeting to be held in purſuance of this Act, to borrow and take up at Intereſt, upon the Credit of the Tolls to ariſe by virtue of this Act, ſuch Sum or Sums of Money as they or any Five or more of them ſhall think fit; and they or any Five or more of them are hereby empowered from Time to Time, by any Writing or Writings under their reſpective Hands, to demiſe or mortgage the ſaid Tolls, or any Part or Parts thereof, during the Continuance of this Act, (the Charges of ſuch Mortgages to be paid out of ſuch Tolls), as a Security or Securities to any Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, for the Money ſo to be advanced, with ſuch Intereſt for the ſame as ſhall be agreed upon; and

Copies of Securities to be entered.

Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe, by the Clerk or Treaſurer to the ſaid Truſtees, and which ſaid Book or Books ſhall and may, at all ſeaſonable Times, be

Securities may be aſſigned.

peruſed and inſpected without Fee or Reward; and it ſhall be lawful for all Perſons reſpectively to whom any Mortgage ſhall be made as aforeſaid, or who ſhall from Time to Time be entitled to the Money thereby ſecured, to aſſign and transfer his, her, or their Right, Title, and Intereſt in or to ſuch Mortgage, and the principal Money and Intereſt thereby ſecured to any other Perſon or Perſons whomſoever, which Transfers reſpectively ſhall be produced and notified to the ſaid Clerk, within Three Calendar Months next after the Day of the Date thereof, who ſhall cauſe an Entry or Memorial of every ſuch Transfer, containing the Date,

Parties

Parties Names, and Sum of Money therein mentioned to be transferred, to be made in the said Book or Books, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security; and every such Assignee may in like Manner assign and transfer the same, and so *toties quoties*, and it shall not be in the Power of any Person or Persons having made such Transfer, to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof.

Application of the Money.

XXXII. And be it further enacted, That all the Monies which, before the Day of the Commencement of this Act, shall have been raised and produced by virtue of the said herein-before in Part recited Acts, or any of them, and shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following, (that is to say), In the First Place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing this Act: In the Second Place, in paying the Interest accruing upon the several principal Sums of Money borrowed in pursuance of the said former Acts and of this Act respectively, and from Time to Time remaining due and owing on Mortgage or Security of the Tolls by this Act granted: In the Third Place, in defraying the Expences of amending, repairing, widening, altering, improving, and keeping in Repair the said Road, and of executing the several other Powers, Intents, and Purposes of this Act: And lastly, in reducing, paying off, and discharging such several principal Sums as last aforesaid, and to and for no other Use, Intent, or Purpose whatsoever.

No Money to be applied in repairing the Town Streets of Stockton, Darlington, or Barnardcastle.

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

For getting Materials for repairing the Road.

XXXIV. And be it further enacted, That it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Sand, Gravel, and other Materials, proper or convenient for repairing the said Road, out of any Waste or Common, River or Brook, in any Parish, Town, Village, or Hamlet, wherein the said Road or any Part thereof lies; and for Want of sufficient Quantities of such Materials in the Places hereinbefore described, then to dig, take, and carry away the like Materials out of any Waste or Common, River or Brook, in any neighbouring Parish, Town, Village, or Hamlet, without making any Recompence for the same; the said Surveyor and Surveyors filling up, fencing, or levelling the Pits and Holes as shall be made or occasioned by the digging for

or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees, or any Five or more of them, shall judge fit and reasonable; and in case sufficient Materials cannot be gotten at convenient Distances in such Wastes, Commons, Rivers, and Brooks as aforesaid it shall be lawful for such Surveyor and Surveyors, subject nevertheless to the Proviso and Directions next herein-after contained to dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any House or inclosed Ground, planted, set apart, or used as a Plantation or Nursery for Trees) where such Materials are and may be found, and from Time to Time to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Road, paying such Recompence for the Damage done to the Owners and Occupiers of the respective Grounds where, through, and from whence the same shall be digged and carried away, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching the Damages aforesaid, the Justices of the Peace for the County wherein the Lands lie from which such Materials shall be taken, or over or through which the same shall have been led or carried at their General Quarter Sessions of the Peace to be holden in and for the said County next after such Difference, on Five Day's Notice being given by either Party to the other in Writing, shall and may assess, adjudge, and finally determine the same in such Manner as they shall think fit and expedient.

Not lawful to take Materials from inclosed Grounds without Notice.

XXXV. Provided nevertheless, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or such other Person or Persons as aforesaid, under the Authority of this Act, to dig, gather, take, or carry away any Furze, Heath, Stone, Sand, Gravel, or other Materials for making or repairing the said Road, or for any other the Purposes of this Act, in or from any inclosed Lands or Grounds, or from any Place within the Distance of Seventy Yards from any Ford or Fish-Dam upon the River *Tees*, or from the Place where any Ford or Fish-Dam hath heretofore been made or from any Stone Quarry (as well inclosed as not inclosed), until after Fourteen Day's Notice in Writing, signed by the said Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the Occupier of the Lands or Grounds from which such Materials are intended to be taken or left at his usual Place of Residence, to appear before the said Trustees or any Five or more of them, or Two or more Justices of the Peace acting for the County in which such Premises shall lie, at a certain Time and Place to be specified in such Notice to shew Cause why such Materials should not be taken away; and in Case such Occupier shall attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justices, shall, if they think proper, authorize such Surveyor or other Officer to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees or any Five or more of them, or such Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or his Agent, the said Trustees, or any Five or more of them,

them, or such Justices, shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or Agent had attended pursuant to such Order.

Penalty on interrupting Surveyors in getting Materials.

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

Surveyors may remove Annoyances.

XXXVII. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stone Carriages, Saw Pits or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same to the Prejudice thereof; and to open, scour and cleanse, deepen and enlarge, any Gutter, Ditch, Conduit or Watercourse adjoining or near to the said Road or any Part or Parts thereof respectively; and also to cut down, top or lop any Trees, Branches or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, and to take and carry away the same, in Case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be shall neglect so to do for Five Days after Notice in Writing given for that Purpose under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof, to be settled by the said Trustees, or any Three or more of them, shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Trees, Branches or Bushes, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as the Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed are hereinafter directed to be levied and recovered; and if, after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall, for every such second or subsequent Offence, forfeit and pay the Sum of Twenty Shillings.

To prevent Obstructions on the Road.

XXXVIII. And be it further enacted, That if any Coach, Diligence, Chaise, Cart, Waggon, Draught or other Carriage, with or without Horses or other Beasts of Draught, shall remain or continue in the publick Streets of *Darlington* aforesaid, through which the said Road leads, for any longer Time than shall be necessary for taking up and setting down Passengers, and for loading and unloading the same; or if any such Coach, Diligence, Chaise, Cart, Waggon, Draught, or other Carriage, Plough or other Instrument of Husbandry, with or without Horses or other Beasts of Draught, shall remain or continue in or upon any other Part or Parts of the said Road, or on the Sides thereof, within Fifteen Feet of the Centre, for any longer Time than Two Hours, except for such Reasons as shall be satisfactory

factory to the Juſtices before whom Complaint ſhall be made; the Owner or Driver of every ſuch Coach, Diligence, Chaiſe, Cart, Waggon, Draught, or other Carriage, ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Forty Shillings.

Penalty on leaving Manure on the Side of the Road.

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

Surveyors may make Cauſeways, cut Drains, &c.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch other Perſon and Perſons as ſhall be appointed by the ſaid Truſtees, or any Five or more of them, by Order of the ſaid Truſtees, or any Five or more of them, to make Cauſeways in or along the Side of the ſaid Road, and to cut or make Drains or Watercourſes upon and through any Grounds lying contiguous to the ſaid Road, and to erect and keep in repair the Bridges and Arches thereupon, and alſo to make Ditches or Trenches in ſuch Places and in ſuch Manner as ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, ſhall judge neceſſary, and to make ſufficient Fenders, Barriers, and other Erections on any Part or Parts of the ſaid Road, in order to prevent any River or Current of Water from flooding the ſame, as ſuch Surveyor or Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, 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, not having a Houſe or other Building thereon, and not being a Garden, Orchard, planted Walk, or Avenue to any Houſe, or a Plantation or Nurſery of Trees, to be made uſe of as a Road whilſt the old Road ſhall be repairing, and until the ſame ſhall be made ſafe and convenient for Travellers, making ſuch Satisfaction to the Owners or Occupiers of ſuch Grounds ſo to be uſed, cut through, or built upon, for the Damages which they or any of them ſhall ſuſtain thereby, as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe any Difference ſhall happen between ſuch Owners or Occupiers and the ſaid Truſtees touching ſuch Damages, the ſame ſhall be ſettled by the Juſtices of the Peace for the County wherein the Matter in Difference ſhall ariſe, at their General Quarter Seſſions of the Peace to be held for ſuch County next after ſuch Difference ſhall ariſe.

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

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

Power to alter, turn, or widen, the Roads.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, at any Time or Times, to widen the ſaid Road, and to divert, turn, or alter, the Courſe or Direction of any Part or Parts thereof, and to make a new and convenient Carriage Road through or over any Moor or waſte Ground, without making any Satisfaction

Satisfaction for the ſame; and alſo through or over any private Lands or Tenements (except as herein-after is mentioned), firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damages they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract, and agree with the Owners of, and Perſons intereſted in, any private Lands or Tenements, for the Purchaſe thereof, or for the Loſs or Damage which ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain, by making, widening, turning, or altering, any Part or Parts of the ſaid Road; and it ſhall be lawful for all Bodies Politick, Corporate or Collegiate, Corporations aggregate or ſole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and other Truſtees whomſoever, for and on Behalf of any Infants, Femes Coverts, Ceſtuique Truſts, and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Lands or Tenements, to contract and agree with the ſaid Truſtees, or any Five or more of them, for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell to them all or any of ſuch Lands or Tenements as Occaſion ſhall require; and all Contracts and Sales ſo made, ſhall without any Conveyance or Aſſurance in the Law, be valid, and effectual to all Intents and Purpoſes, whatſoever, any Law, Statute, Uſage, or any other Matter or Thing, to the contrary thereof notwithſtanding; and all ſuch Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owners, Proprietors, Occupiers, Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Truſtees, or any other Perſon or Perſons intereſted in any ſuch Lands or Tenements, upon Notice in Writing by the Clerk or Treaſurer of the ſaid Road to him, her, or them, given or left at the reſpective Dwelling-houſes or Places of Abode of ſuch Perſon or Perſons, or of the head Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Tenements ſo to be taken in and added to any Part of the ſaid Road, or into which any Part or Parts of ſuch Road are or is to be turned or altered as aforeſaid, ſhall, by the Space of Ten Days after ſuch Notice given or left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence ſhall be prevented from treating, then, and in every or any ſuch Caſe, the ſaid Truſtees, or any Five or more of them ſhall cauſe it to be enquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Durham* (which Oaths any One or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to, ſuch Owners, Occupiers, or other Perſon or Perſons intereſted, for or on Account of the taking of ſuch Lands or Tenements into the ſaid Road, or of turning any Part or Parts of ſuch Road into the ſame Lands or Tenements; and in order thereto, the ſaid Truſtees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occaſion ſhall require, to ſummon and call before the ſaid Jury, and examine upon Oath all and every Perſon or Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning

And to purchaſe Lands.

Power to Corporations, &c. to ſell.

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

concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the Places in Queſtion if there be Occaſion, and uſe all other lawful Ways and Means, as well for their own as for the Jury's better Information in the Premiſes, as the ſaid Truſtees, or any Five or more of them, ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained, and ſettled ſuch Damages, Recompence, and Satisfaction, the ſaid Truſtees, or any Five or more of them, ſhall thereupon order the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury to be paid to the Owners or Occupiers of, or other Perſons intereſted in the ſaid Lands or Tenements, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict, or Inquiſition and Order ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming any Eſtate in Fee Simple, or Fee Tail, for Life or Lives, or Years, in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs, Succeſſors, Executors, and Adminiſtrators, Infants, Iſſue unborn, Femes Covert, Perſons beyond the Seas, and under any Diſability whatſoever, Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, as well as all other Perſons whomſoever; and for the ſummoning and returning of ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County of *Durham*, or in caſe ſuch Sheriff or his Deputy or Deputies ſhall be anyways intereſted in the Matter in Queſtion, then to ſome one of the Coroners of the ſame County not intereſted therein, thereby commanding and requiring ſuch Sheriff or Coroner to empannel, ſummon, and return a Jury of Twenty-four honeſt and indifferent Men, qualified according to Law to be returned for Trials of Iſſues in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff, his Deputy or Deputies, or Coroner, is and are hereby required to empannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo empannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any One or more of them, ſhall ſwear, or cauſe to be ſworn, Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, his Deputy or Deputies, or Coroner, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service (being qualified as laſt aforeſaid), to the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees, or any Five or more of them, acting in the Premiſes, ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiffs or Agents, or ſuch Coroner, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, unleſs prevented by Sickneſs or other ſufficient Cauſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or, on being ſo ſworn, refuſing to give or not giving their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give

Evidence;

Their Verdict to be final.

Sheriff to ſummon Juries.

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

Evidence, provided that any ſuch Fine ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff, his Deputy or Deputies, or Coroner, and the Sum of Five Pounds upon any other Perſon for any one Offence.

How the Purchaſe Money is to be paid.

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

Dwelling Houſes, Gardens, &c. not to be damaged.

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

Roads diſcontinued not to be repaired.

XLIV. Provided alſo, and be it further enacted, That in Caſe any ancient or former Road over any Moor or Waſte Grounds ſhall by virtue of this Act be turned or diverted, the Inhabitants of the Pariſh, Townſhip, or Hamlet wherein the ancient or former Road which ſhall thereby be left or diſcontinued lieth, ſhall not be obliged to repair ſuch ancient or former Road, unleſs the ſame leads to ſome Town,

Town, Village, or Hamlet, with which the new Road doth not communicate.

Application of Monies arising from settled Estates which exceed 200*l.*

XLV. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Money shall, if the same amount to Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition, to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize, to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, 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, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

The like as to Sums less than 200*l.* and more than 20*l.*

XLVI. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall be, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified

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 Five or more of the Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch principal Money and the Dividends ariſing thereon may be applied in the Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

The like as to Sums leſs than 20 l.

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

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

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

XLVIII. 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 any Five or more of them; or in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded 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, or any Five or more of them, to order the Sum or Sums of Money ſo awarded or aſſeſſed as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money or any Part thereof by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the publick Funds, and to order Diſtribution thereof or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto; and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what, and for whoſe Uſe the ſame is or are

are received to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

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

XLIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right or Intereſt, in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance thereof, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery, and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money; and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

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

How Statute Work ſhall be apportioned.

LI. And, for aſcertaining and determining what Part of the Statute Work ought to be performed on the ſaid Road by the Inhabitants of the ſaid Pariſhes, Townſhips, and Diſtricts through which the ſaid Road paſſes, be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Two of them being acting Juſtices of the Peace for the County of *Durham*, from Time to Time to adjudge and order what Part of the Statute Work ſhall be done in or upon the ſaid Road hereby directed to be repaired, and for what Space of Time and in what Manner the ſame ſhall be done upon ſuch Road by the Inhabitants of each or any of the Pariſhes, Townſhips, or Diſtricts, in or through which the ſaid Road ſhall paſs.

LII. And

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

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

To determine Differences between the Truſtees and Perſons liable to ſuch Repairs.

LIII. And, for determining Differences which may ariſe between the ſaid Truſtees and ſuch Perſon or Perſons, Bodies Politick, or Corporate, County, Ward, Pariſh, or Townſhip, touching where, how, and in what Manner ſuch particular Part or Parts of the ſaid Road, or the Bridges, Arches, Drains, and Sewers, lying in and upon the ſame are or ought to be repaired and maintained as aforeſaid, be it further enacted, That in caſe any ſuch Difference ſhall ariſe, it ſhall be lawful for the Juſtices of the Peace of the County wherein ſuch Difference ſhall ariſe, and they are hereby reſpectively required and empowered at any Petty or Special Seſſions to be held within their ſaid County, upon Application to them made by the ſaid Truſtees or any Five or more of them, or by their Clerk or Clerks for the Time being by their Direction, to adjudge and determine where, how, and in what Manner ſuch particular Part or Parts of the ſaid Road, Bridges, Arches, Drains, and Sewers, ſhall from Time to Time be maintained and repaired by ſuch Perſon or Perſons, Bodies Politick or Corporate, County, Ward, Pariſh, or Townſhip, who are or ſhall be chargeable or liable to repair the ſame by reaſon of the Tenure of any Lands, Tenements or Hereditaments, or otherwiſe howſoever.

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

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

Surveyors of Highways to give in Liſts yearly of Perſons liable to Statute Work.

LV. And be it further enacted, That the reſpective Surveyor and Surveyors of the Highways for the Time being of all and every the Pariſhes, Townſhips, Places, and Diviſions, in which the ſaid Road lies, ſhall yearly and every Year during the Continuance of this Act, within Six Days after Demand made to him or them in Writing, by the Surveyor or Surveyors, or by the Clerk or Treaſurer of the ſaid Road, in purſuance of an Order under the Hands of any Two or more of the Juſtices of the Peace for the ſaid County of *Durham*, give and deliver in to the Perſon making ſuch Demand a true and exact Liſt or Account, in

in Writing under his or their Hand or Hands, of the Chriſtian and Surnames, of all and every Perſon and Perſons in the ſaid reſpective Pariſhes, Townſhips, Places, and Diviſions, who are by Law chargeable towards the repairing the ſaid Road in any of the ſaid Pariſhes, Townſhips, Places, or Diviſions, and ſhall ſet forth and ſpecify in ſuch Liſt what each Perſon is reſpectively chargeable with for and towards the ſame; and the ſaid Pariſh or Townſhip Surveyor or Surveyors for the Time being reſpectively within Six Days after Notice ſhall be given to them or any of them reſpectively, by the ſaid Turnpike Surveyor or Surveyors, of the Time when, where, and how many of the Perſons ſo chargeable as aforeſaid he or they would have to perform ſuch their reſpective Statute or Day's Works in or upon any Part or Parts of the ſaid Road, ſhall ſummon or give publick Notice thereof in the Manner preſcribed by Law; and if any Pariſh or Townſhip Surveyor or Surveyors ſhall refuſe or neglect to do as he or they are hereby required and directed to do, or ſhall wilfully return incorrect or imperfect Liſts, he or they, for every ſuch Refuſal or Neglect, or incorrect or imperfect Return, ſhall forfeit and pay a Sum not exceeding Five Pounds; and in caſe any Perſon or Perſons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards the repairing of the ſaid Road, ſhall, after ſuch Summons or Notice given as aforeſaid, neglect or refuſe to ſend their reſpective Teams, Draughts, Carts, or Wains, furniſhed with Labourers, Oxen, or Horſes, according to the Cuſtom of the Country where ſuch Work is to be performed, and proper Tools to do and perform ſuch their reſpective Days Works upon the ſaid Road, he or they ſo neglecting or refuſing ſhall forfeit and pay a Sum not exceeding Twelve Shillings for every Day that each Team, Draught, Cart, or Wain, ſhall be wanting or not duly employed in the Service; and if any Labourer or Labourers, or other Perſon or Perſons, ſo chargeable towards repairing the ſaid Road, ſhall at any Time neglect or refuſe (after ſuch Summons or Notice as aforeſaid) to do and perform ſuch his or their reſpective Days Work upon the ſame Road, he or they ſhall reſpectively forfeit and pay a Sum not exceeding Two Shillings for every Days Neglect; and if any Perſon or Perſons who ſhall, according to ſuch Summons or Notice as aforeſaid, come to work as a Labourer or Labourers, or ſhall be ſent with any Team, Draught, Cart, or Wain, to work on the ſaid Road, ſhall be found idle or negligent by the ſaid Turnpike Surveyor or Surveyors reſpectively where the Work is to be done, then and in ſuch Caſe the Turnpike Surveyor or Surveyors may, and is and are hereby empowered and required to diſcharge and diſmiſs ſuch Perſon or Perſons who ſhall be ſo found idle, negligent, or not doing their work, and it ſhall be deemed and taken as if ſuch Perſon or Perſons had not come, or as if ſuch Team, Wain, Draught, or Cart, had not been ſent to work on the ſaid Road; and he or they ſhall reſpectively be ſubject and liable to the reſpective Forfeitures and Payment before mentioned, in the ſame Manner as if he or they had neglected or refuſed to do and perform the ſaid reſpective Days Work to ordered and appointed as aforeſaid; which ſaid Forfeitures ſhall be recovered, levied, and applied as herein-after mentioned.

Highway Surveyors to ſummon Perſons liable to Statute Work.

Penalty for Neglect.

Perſons keeping Teams, and refuſing to ſend them to work, to pay 12*s.* a Day.

Thoſe found idle to be ſubject to the like Payments.

Truſtees may compound for Statute Work.

LVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered to compound or agree by the Year or otherwiſe with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees, and Committees of Lands,

Lands, Tenements or Hereditaments which are or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road, or with any Perſon or Perſons for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes, Townſhips, and Places through which the ſaid Road leads, to compound and agree by the Year or otherwiſe with the ſaid Truſtees, or any Five or more of them, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part of the ſame Road; all which Compoſition Monies aforeſaid ſhall be from Time to Time paid in Advance, and ſhall be applied in Repair of the ſaid Road; and all ſuch Surveyors reſpectively ſhall be reimburſed the Monies by them paid in ſuch Manner as herein-after mentioned.

Compoſition Monies, how to be received.

LVII. Provided always, and be it further enacted, That in caſe any Compoſition Money agreed to be paid for or in lieu of any Statute or Days Work of the Inhabitants of any Pariſh, Townſhip, or Place wherein the ſaid Road lies, or in reſpect of any Lands, Tenements, or Hereditaments liable or chargeable by Tenure or otherwiſe as aforeſaid, ſhall not be paid within Three Days next after the ſame ſhall become payable according to ſuch Compoſition or Agreement, that then it ſhall be lawful for any Two or more Juſtices of the Peace, within their reſpective Juriſdictions, by Writing under their reſpective Hands and Seals, to empower the Perſon or Perſons authorized by the ſaid Truſtees to receive ſuch Compoſition Money, Oath having been firſt made that the ſame hath been demanded and remains unpaid (which Oath the ſaid Juſtices are hereby empowered and required to adminiſter), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods of the Perſon or Perſons ſo having compounded for any Statute or Days Works, or for any Lands, Tenements, or Hereditaments liable or chargeable by Tenure or otherwiſe as aforeſaid, returning the Overplus (if any) to the reſpective Owners of the Goods ſo to be diſtrained upon Demand, after the Charges of ſuch Diſtreſs and Sale ſhall have been thereout deducted.

How Surveyors are to be reimburſed the Compoſition Money.

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

Truſtees may contract for Repairs.

LIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize, delegate, or appoint, are hereby empowered to contract with any Perſon or Perſons for repairing, widening, turning, or altering the ſaid Road, or any Part or Parts thereof, and for erecting, building, and making Arches and Bridges upon the ſame, and for erecting Mile

and Direction Stones or Posts thereon, and for doing any other Work to be performed in the Execution of this Act; in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper.

Contracts to be binding.

LX. And be it further enacted, That all Contracts in Writing entered into pursuant to an Order made at any Meeting by the said Trustees, or any Five or more of them, shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

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

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

Persons aggrieved may appeal to the Quarter Sessions.

LXII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, and for which no particular Relief hath been herein before appointed, such Person or Persons may within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace for the County in which such Cause of Complaint shall arise, such Appellant or Appellants first giving, or causing to be given, Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Six Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of

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

Books to be kept.

LXIII. And be it further enacted, That all Orders and Proceedings of the said Trustees, in Execution of the Powers hereby to them given, shall be entered in a Book or Books, to be kept for that Purpose by the Clerk to the said Trustees, and such Orders and Proceedings so entered shall be signed by the same Number of the Trustees as are in and by this Act empowered to make or direct such Orders and Proceedings respectively, and shall be deemed and taken to be original Orders; which said Book or Books, and also the Books directed to be kept for registering the said Mortgages and Assignments or Transfers, shall and may be produced and read in Evidence in all Courts and before all Judges and Justices whomsoever.

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

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

Limitation of Actions.

LXV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty Days Notice thereof shall be given to the Clerk or Clerks of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be laid or brought in the County wherein the Cause thereof arose, and *not* elsewhere; and the Defendant or Defendants in every such Action shall or may, at his or their Election, plead specially, or the General Issue, Not Guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same

same shall appear to have been so done; or that such Action or Suit shall have been brought before Twenty Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

Commencement and Continuance of the Act.

LXVI. And be it further enacted, That this Act shall commence on the First Day of *May* in the present Year One thousand eight hundred and five, and shall continue in force until the First Day of *May* One thousand eight hundred and twenty-six, and from thence to the End of the then next Session of Parliament; and this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Publick Act.

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