ANNO QUINQUAGESIMO QUARTO

# GEORGII III. REGIS.

## *Cap.* 29.

An Act for making and maintaining a Road from the Turnpike Road between *North Shields* and *Newcaſtle-upon-Tyne*, to *Morpeth Caſtle*, and for making and maintaining Three ſeveral Branches of Road to communicate therewith; all lying in the Counties of *Northumberland* and *Durham*.

[4th *May* 1814.]

WHEREAS the Road leading from or out of a certain Turnpike Road between *North Shields* and *Newcaſtle-upon-Tyne*, at or near *Tynemouth* Church, in the Pariſh of *Tynemouth*, in the County of *Northumberland*, and paſſing by *Preſton*, *Earſdon*, *Holywell*, *Horton*, *Pleſſey Checks*, and *Hartford* Bridge, through the ſeveral Pariſhes or Parochial Chapelries of *Tynemouth* aforeſaid, *Earſdon*, *Horton*, and *Morpeth*, in the ſaid County of *Northumberland* and *Bedlington*, in the County of *Durham*, to *Morpeth Caſtle*, in the Pariſh of *Morpeth* aforeſaid; and alſo the Road branching off and leading from or out of the ſaid laſt deſcribed Road, at or near a Place called *Far Stob Hill*, in the Pariſh of *Morpeth* aforeſaid, to the *Stakeford* on the River *Wanſbeck*, in the Pariſh of *Bedlington*; and alſo the Road branching off and leading from the ſaid Road from *Tynemouth* Church to *Morpeth Caſtle*, at *Horton*, in the Paro-

chial Chapelry of *Horton* aforesaid, passing by the Villages of *Bebside* and *Coopen*, in the said Parochial Chapel of *Horton*, and ending at *South Blyth*, in the said Parish of *Earsdon*; and also the Road branching off and leading from the said Road from *Tynemouth* Church to *Morpeth Castle*, at *Plessey Checks*, in the said County of *Northumberland*, and ending at and joining the Turnpike Road from *Newcastle-upon-Tyne* to *Morpeth*, at the West End of a certain Lane commonly called *Fisher Lane*, are all in a ruinous Condition, narrow in several Places, much overflowed or interrupted by Floods and Torrents, and cannot be effectually repaired, altered, raised, widened, and rendered safe and commodious to Passengers, and kept in good Repair, by means of the Laws now in being for the Amendment and Preservation of the Public Highways; and it would be very advantageous to the Public, if the said Road and Branches of Road were properly altered, raised, widened, amended, and repaired, and if necessary and convenient Bridges were erected upon the said Road and Branches of Road hereinbefore described; but as such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: May it 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 Sir *Jacob Astley* Baronet, *Ralph Atkinson*, *John Atkinson*, *John Anderson*, Sir *Francis Blake* Baronet, *Thomas Richard Beaumont*, *Charles William Bigge*, *Charles John Brandling*, *Richard Wentworth Beaumont*, *Thomas Hanway Bigge*, *William Brandling*, *Alexander Bartleman*, *Nicholas Bird*, *Joseph Bainbridge*, *William Purdon*, *Christopher Blackett*, *Dixon Brown*, *Robert Burrell*, *Henry Peareth Thomas Brumell*, *William Batson*, *William Burrell*, *Quintin Blackburn*, *John Bell*, *Thomas Bullock*, the Reverend *Charles Charlton*, *William Chapman*, *Thomas Clennell*, *William Clark*, *George Clark*, *Addison John Cresswell*, the Reverend *Robert Croft*, the Reverend *Henry Cotes*, *Nathaniel Clayton*, *Robert Clayton*, *Ralph Carr*, *Robert Clark*, *John Collingwood*, *William Charlton*, *Jonathan Cockerill*, *John Carr*, *Edward Hussey Delaval*, *John Davidson*, *Thomas Davidson*, the Reverend *Frederick Ekins*, *Cuthbert Ellison*, *Nathaniel Ellison*, *Peregrine George Ellison*, *Ralph Errington*, *Christopher Fenwick*, *Percival Fenwick*, *Nicholas Fenwick*, *Thomas Fenwick*, *John Fenwick* of Milburn Place, *James Fenwick*, *Robert Fenwick*, *Ralph William Grey*, *Thomas Gibson*, *Charles Grey*, *Samuel Huthwaite*, *Robert Shafto Hedley*, *Henry Hewitson*, *William Harrison*, the Honourable *William Howard*, *Sanderson Ilderton*, *Robert Jobling*, *William Jobson*, *Christopher Jobson*, the Reverend *Benjamin Kennicott*, *William Linskill*, *Adam Mansfeldt de Cardonnell Lawson*, *Mansfeldt de Cardonnell Lawson*, *John Lawson*, *Edward Lawson*, *George Thomas Leaton*, *Robert Laing*, *Michael Longridge*, Sir *Charles Miles Lambert Monck* Baronet, *Martin Morrison*, *Miles Monkhouse*, *William Mitcalfe*, *William Mitcalfe* the younger, *Henry Mitcalfe*, *Bertram Mitford*, *John Matthews*, *Robert Nicholson*, the Reverend, *Edward Otter*, *William Ord* of Fenham, *William Ord* of Morpeth, *William Ogle*, *Wallis Ogle*, *Robert Pearson*, *John Plummer*, *William Peters*, *Charles Dattston Purvis*, *Thomas Purvis*, Sir *Matthew White Ridley* Baronet, *Thomas Ratcliff*, *John Reed*, *Archibald Reed*, *William Reed*, *Henry Utrich Reay*, *William Redhead*, *William Richardson*, *Richard Rudyerd*, *George Rippon*, *Robert Storey*, *Anthony Surtees*, *David William Smith*, *John Scott*, *Thomas George Smith*, *John Tavernor*, *John Trevelyan*, *Walter Trevelyan*, *Walter Blacket Trevelyan*, *Robert Hopper Williamson*, the Reverend *Robert Hopper*

Appointment of Trustees.

*Hopper Williamſon, John Wilſon, Richard Wilſon, William Watſon, Taylor Winſhip, Stephen Wright, Thomas Wright, John Wright, William Wright, John Bowes Wright*, the Reverend *Richard Darley Waddilove, John Walker, John Walker* the younger, *Robert Walters, Robert Ward*, and *Henry Walker*, ſhall be and they are hereby appointed Truſtees for altering, raiſing, widening, and repairing the ſaid Road and Branches of Road herein-before deſcribed reſpectively, and for putting this Act into Execution.

Power to elect an additional Number of Truſtees.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Ten in the whole, to be Truſtees for the carrying this Act into Execution, in addition to the Truſtees hereby appointed; and ſuch Truſtees being elected and duly qualified as herein directed, ſhall have ſuch and the like Powers and Authorities for carrying this Act into Execution, as if they had been named in and by this Act.

Road to be made according to the Plan.

III. And whereas Maps or Plans deſcribing the Lines of the ſaid Road and Branches of Road, and the Lands through or contiguous to which the ſame are to be carried, together with Books or Schedules of Reference, containing Liſts of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited with the reſpective Clerks of the Peace of the ſaid Counties of *Northumberland* and *Durham*; be it therefore enacted, That the ſaid Maps or Plans and Books of Reference ſhall remain in the Cuſtody of the reſpective Clerks of the Peace for the ſaid Counties, to the end that all Perſons may at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts therefrom at their Will and Pleaſure, paying ſuch Clerk of the Peace the Sum of Two Shillings and Sixpence for every ſuch Inſpection, and at the Rate of Four-pence for every Seventy-two Words of ſuch Copies or Extracts of the ſaid Maps or Plans, and Books of Reference; and the ſaid Truſtees, in making the ſaid Road and Branches of Road, ſhall not deviate more than One hundred Yards of Three Feet each from the Lines deſcribed in the ſaid Maps or Plans, without the Conſent and Approbation in Writing of the Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

Truſtees may make Roads through Lands, though Owners Names not in Book of Reference.

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

Power to elect new Truſtees.

V. 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 hereinafter mentioned, ſhall die, or by Writing under their Hands refuſe to act in the Execution of this Act, it ſhall be lawful for the remaining or ſurviving Truſtees, or

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 public Notice of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election, be given by the Clerk to be appointed by the ſaid Truſtees as herein-after is mentioned, by affixing the ſame in Writing upon all the Turnpike Gates then erected upon the ſaid Road and Branches of Road reſpectively; and by inſerting ſuch Notice in One or more of the Newſpapers publiſhed at *Newcaſtle-upon-Tyne*, Twenty Days at leaſt before every ſuch Meeting; and every Perſon who ſhall be elected and appointed a Truſtee purſuant to the Directions of this Act, ſhall have and be veſted with ſuch and the like Powers and Authorities, and may act with the 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.

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

The Acts of unqualified Truſtees previous to Conviction, declared valid.

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

Truſtees Oath.

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

'of my Knowledge and Belief, is truly and *bonâ fide* ſeiſed or poſſeſſed of 'and in the actual Poſſeſſion or Receipt of the Rents and Profits of 'Meſſuages, Lands, Tenements, Tythes or Hereditaments, of the clear 'yearly Value of Three hundred Pounds, over and above Reprizes; [*and 'in the Caſe of Perſonal Eſtate*] I, *A. B.* do ſwear, That I am truly and '*bonâ fide* poſſeſſed of a clear Perſonal Eſtate, of the Amount or Value of 'Three thouſand Pounds]; and that I will truly and faithfully execute the 'Powers and Truſts repoſed in me by an Act of Parliament paſſed in the 'Fifty-fourth Year of the Reign of His Majeſty King *George* the Third, 'intituled [*here ſet forth the Title of the Act.*]

Truſtees holding Places of Profit ſhall not act; Truſtees who are Juſtices may act in both Characters.

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

General Meetings of the Truſtees.

IX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall meet at *North Shields* aforeſaid, at the Houſe known by the Sign of the *Northumberland Arms*, or at ſome other convenient Houſe or Place in the ſame Town, 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 Branches of Road reſpectively, and at ſuch Times, as the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time order and direct, provided that no Adjournment ſhall be made for a longer Time than Three Calendar Months, and that no more than Three ſucceſſive Meetings ſhall be held at the ſame Place, or within the Diſtance of Five Miles thereof; and if at any Meeting appointed to be held by virtue of this Act, there ſhall not be a ſufficient Number of Truſtees to act, 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 Turnpikes then erected in, upon, acroſs, or on the Sides of the ſaid Road, and Branches of Road reſpectively, and by Advertiſement to be inſerted in one or more of the Newſpapers publiſhed at *Newcaſtle-upon-Tyne*, at leaſt Ten Days before the next intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed.

Meetings on Emergencies.

X. 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

thereof in the Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Time not being leſs than Ten Days after ſuch Notice) and ſuch earlier Meeting ſhall and may be held accordingly; and all the Orders and Determinations of the ſaid Truſtees at all ſuch Meetings, ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments; and the ſaid Truſtees, or the Majority of them, at all Meetings held in purſuance of this Act, are hereby empowered to make all neceſſary Orders, Agreements and Determinations in the Execution of this Act; and no ſuch Order, Agreement or Determination ſhall be made, unleſs the Majority of the Truſtees preſent at a Meeting ſhall concur therein (the Number of ſuch Truſtees preſent not being leſs than Five, except as may be otherwiſe expreſsly directed by this Act;) and at every ſuch Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and ſo often as it ſhall happen that there ſhall be an equal Number of Votes on any one Queſtion (including the Vote of the ſaid Chairman), then it ſhall be lawful for ſuch Chairman to give the caſting or deciſive Vote; and no ſuch Order, Agreement or Determination ſhall be revoked or altered at any ſubſequent Meeting, unleſs Seven Truſtees or more ſhall be preſent, and Five at leaſt concur therein; and the ſaid Truſtees at all their Meetings ſhall defray their own Expences.

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

Truſtees to pay their own Expences at Meetings.

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

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

Toll Houſes, &c. veſted in Truſtees.

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

belonging, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct any Person employed by the said Trustees, or any Five or more of them, in the Execution of this Act.

Power to take Tolls.

**XIII. And** be it further enacted, That the following Tolls shall be demanded and taken, at each and every of the Toll Gates, Turnpikes or Side Gates to be erected by virtue of this Act (except as hereinafter is excepted) 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, Curricle, Calash or Hearse, drawn by Six Horses, Mares or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horses, Mares or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Three Horses, Mares or other Beasts of Draught, the Sum of One Shilling and Two-pence; and drawn by Two Horses, Mares, or other Beasts of Draught, the Sum of Nine-pence:

For every Chaise or Chair drawn by One Horse, Mare, or other Beast of Draught, the Sum of Four-pence Halfpenny:

For every Horse, Mare, Gelding or Mule, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

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

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

For every Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a flat or level Surface of that Breadth, and drawn by Six, Seven or Eight Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Four or Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four-pence:

For every Two-wheeled Waggon, Wain, Cart or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a flat or level Surface of that Breadth, and drawn by Four or Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Two-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence:

For every Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling a flat or level Surface of that Breadth, and drawn by Six, Seven or Eight Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings:

For every the like Carriage, drawn by Four or Five Horſes, the Sum of Two Shillings and Eight-pence:

For every the like Carriage, drawn by Four, Five or Six Oxen only, the Sum of One Shilling and Eight-pence:

For every the like Carriage, drawn by Three Horſes, the Sum of One Shilling and Eight-pence:

For every the like Carriage, drawn by Two Horſes and One Ox, or Two Oxen and One Horſe, the Sum of One Shilling and Four-pence:

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling a flat or level Surface of that Breadth, and drawn by Four or Five Horſes, the Sum of Two Shillings:

For every the like Carriage, drawn by Four, Five or Six Oxen only, the Sum of One Shilling and Four-pence:

For every the like Carriage, drawn by Three Horſes, the Sum of One Shilling and Four-pence:

For every the like Carriage, drawn by Two Horſes and One Ox, or Two Oxen and One Horſe, the Sum of One Shilling:

For every Four-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth or Gauge than Six Inches, and drawn by Six, Seven or Eight Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings and Eight-pence:

For every the like Carriage, drawn by Four or Five Horſes, the Sum of Three Shillings:

For every the like Carriage, drawn by Four, Five or Six Oxen only, the Sum of Two Shillings:

For every the like Carriage, drawn by Three Horſes, the Sum of Two Shillings:

For every the like Carriage, drawn by Two Horſes and One Ox, or Two Oxen and One Horſe, the Sum of One Shilling and Eight-pence:

For every the like Carriage, drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Three-pence:

For every Two-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a leſs Breadth or Gauge than Six Inches, and drawn by Six, Seven or Eight Horſes, Oxen, or other Beaſts of Draught, the Sum of Three Shillings and Eight-pence:

For every the like Carriage, drawn by Four or Five Horſes, the Sum of Two Shillings and Sixpence:

For every the like Carriage, drawn by Four, Five or Six Oxen only, the Sum of Two Shillings:

For every the like Carriage, drawn by Three Horſes, the Sum of One Shilling and Sixpence:

For every the like Carriage, drawn by Two Horſes and One Ox, or Two Oxen and One Horſe, the Sum of One Shilling and Four-pence:

For every the like Carriage, drawn by Two Horſes, Oxen, or other Beaſts of Draught, the Sum of Eight-pence: And,

For every the like Carriage, drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Four-pence.

Which

Which ſaid reſpective Tolls and all other Tolls by this Act impoſed, and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being, and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of and aſſigned in ſuch Manner as is herein-after mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made by 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 or Cattle, Beaſt or Carriage, upon which any of the ſaid Tolls are by this Act impoſed, or any of the Lading, Harneſs or Accoutrements thereof reſpectively (ſave and except the Bridle apart from the Horſe or other Beaſt,) or any of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and the Collector or Collectors ſo diſtraining ſhall and may at his or their Election either detain and keep the Horſe, Cattle, Beaſt, Carriage, Goods and Chattels, or other Articles ſo diſtrained, until ſuch Tolls, with the reaſonable Charges of ſuch Diſtreſs, and of detaining and keeping the ſame, ſhall be paid; or if ſuch Tolls and Charges ſhall not be paid within the Space of Five Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may at any Time or Times thereafter ſell the Horſe, Cattle, Beaſt, Carriage, Goods and Chattels or other Articles ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale pay ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale; returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold (if any) upon Demand, to the Owner or Owners thereof.

Tolls veſted in Truſtees.

For compelling Payment of Tolls.

XIV. Provided always, 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 if they ſhall think fit, to exempt from Payment of all or any Part of the additional Tolls and Duties for Overweight, impoſed and granted by an Act paſſed in the Fourteenth Year of the Reign of His preſent Majeſty, intituled *An Act for explaining and altering an Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled* '*An Act to explain and amend and reduce into one Act of Parliament, the general Laws now in being for regulating of Turnpike Roads in that Part of* Great Britain *called* England, *and for other Purpoſes, ſo far as the ſame relates to the Payment of additional Tolls at Weighing Engines, and the Number of Horſes to be uſed in Carriages, drawn on Turnpike Roads; and for allowing certain Exemptions with reſpect to Weight, and Payment of Toll in particular Caſes;*' every Waggon, Wain, Cart, or other ſuch Carriage as aforeſaid, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or of Nine Inches, or of Sixteen Inches or upwards, and being Cylindrical, that is to ſay, of the ſame Diameter on the Inſide next the Carriage, and on the Outſide, ſo that when rolling on a flat Surface, the whole Breadth thereof ſhall bear equally on ſuch flat Surface; and that the oppoſite Ends of the Axletrees of ſuch Carriages, as far as the ſame ſhall be inſerted in the Naves of the Wheels, ſhall not form an Angle with each other, but ſhall be in the Continuance of one ſtraight Line, ſo that in each Pair of Wheels belonging to ſuch Carriages, the lower Parts which ſhall reſt on the Ground, ſhall

Carriages with Wheels of a certain Deſcription, chargeable with leſs Toll.

be at the ſame Diſtance from each other as the upper Parts of ſuch Pair of Wheels: Provided always, that no ſuch Exemption from additional Tolls and Duties for Overweight ſhall be allowed for or in reſpect of any ſuch Waggon, Wain, Cart, or other Carriage, having the Fellies of ſuch Wheels of Six Inches and upwards in Breadth, and not being Nine Inches in Breadth, and the ſame being ſo placed, and the Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Eight hundred Weight; nor ſhall any ſuch Exemption be allowed for any ſuch Waggon, Wain, Cart, or other Carriage, having the Fellies of ſuch Wheels of Nine Inches and upwards in Breadth, and not being Sixteen Inches in Breadth, and the ſame being ſo placed, and having ſuch Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Fifteen hundred Weight; nor for any ſuch Waggon, Wain, Cart, or other Carriage, having the Fellies of ſuch Wheels of Sixteen Inches and upwards in Breadth, and the ſame being ſo placed, and having ſuch Axletrees ſo formed as aforeſaid, in caſe ſuch Overweight ſhall exceed Thirty hundred Weight.

For ſettling Diſputes concerning Tolls.

XV. And be it further enacted, That if any Diſpute ſhall happen about any Tolls due, or the Charges for keeping any 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 Diſtreſs, as the Caſe may happen, be aſcertained by ſome Juſtice of the Peace for the County wherein the Cauſe of Diſpute ſhall ariſe, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath of the Parties or of a Witneſs or Witneſſes, and ſhall determine the Quantity of the Toll due, and alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and of the Collectors 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.

XVI. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, no Perſon or Perſons appointed to collect the ſame, ſhall be deemed incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his or their being ſo appointed to collect the ſaid Tolls.

Four chief Gates between North Shields and Morpeth.

XVII. Provided always, and be it enacted, That there ſhall be Four chief Toll Gates or Turnpikes erected upon the ſaid Road leading from *Tynemouth* Church to *Morpeth* Caſtle aforeſaid, at or near the ſevera. Places following; (that is to ſay) one Toll Gate or Turnpike at or near the *Rake Lane*, at the North Weſt Corner of *Robert Burrell*'s Farm, between the *Rake Lane* and the ſaid *Robert Burrell*'s Farm Houſe; one other Toll Gate or Turnpike between the Northernmoſt Lane, leading from the intended Turnpike to *Monkſeaton* and the Village of *Holywell*; one other Toll Gate or Turnpike at the Eaſt End of the Houſe now occupied by *Samuel Elſtob*, near *Pleſſey Checks*; and one other Toll Gate or Turnpike at or near the *Far Stob Hill*; and that there ſhall be Two chief Toll Gates or Turnpikes erected upon the ſaid Branch of Road from *Far Stob Hill* to the *Stakeford*, at or near the ſeveral Places following; (that is to ſay) one Toll Gate or Turnpike at or near *Far Stob Hill* aforeſaid; and the other Toll Gate or Turnpike at or near the Top of the *Stakeford* Bank;

Bank; and that there ſhall be Two chief Toll Gates or Turnpikes erected upon the ſaid Branch of Road from *Horton* to *South Blyth*, at or near the ſeveral Places following; (that is to ſay) one Toll Gate or Turnpike at or near the Village of *Bebſide* aforeſaid; and the other Toll Gate or Turnpike at or near the Eaſt End of the Village of *Coopen* aforeſaid; and that there ſhall be one chief Toll Gate or Turnpike erected upon the ſaid Branch of Road from *Pleſſey Checks* to the Weſt End of *Fiſher Lane*, at or near the Weſt End of the Lane leading to the Village of *Cramlington*.

Power to remove Toll Gates.

XVIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Twelve or more of them, and they are hereby empowered from Time to Time, when and as often as they ſhall think proper, to cauſe any of the Toll Gates or Turnpikes which ſhall be erected in, upon or acroſs, or on the Side or Sides of the ſaid Road and Branches of Road reſpectively, by virtue of this Act, to be removed to and erected in, upon or acroſs, or on the Side or Sides of ſuch other Part or Parts of the ſaid Road and Branches of Road reſpectively, as the ſaid Truſtees, or any Twelve or more of them, ſhall from Time to Time order and direct: Provided that none of the ſaid Toll Gates or Turnpikes ſhall be removed as aforeſaid, unleſs Thirty Days previous Notice of the Intention to remove the ſame ſhall have been given in Two 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 and Branches of Road reſpectively: And provided alſo, that none of the ſaid Toll Gates or Turnpikes (other than and except ſuch as ſhall be erected or placed on the Side or Sides of the ſaid Road and Branches of Road reſpectively), ſhall be removed as aforeſaid, without the Conſent or Approbation of the Perſon or Perſons who ſhall be entitled to Four-fifth Parts at leaſt of the Money which ſhall be then due and owing upon Security of the ſaid Tolls; any Thing herein contained to the contrary thereof notwithſtanding.

Number of Tolls to be taken on the Roads.

XIX. Provided always, and be it further enacted, That ſuch and ſo many Tolls ſhall be demanded or taken from any Perſon or Perſons for paſſing and repaſſing the ſame Day, with or driving the ſame Horſes, Cattle, Sheep or Beaſts, or with the ſame Carriages, through all the Toll Gates or Turnpikes which ſhall be erected by virtue of this Act upon ſuch particular Part or Parts of the ſaid Road and Branches of Road reſpectively, as are herein-after particularly mentioned; (that is to ſay) upon that Part of the Road from *Tynemouth* Church to *Morpeth* Caſtle, which lies between *Tynemouth* Church and *Horton*, one Toll, and no more; and upon that Part of the ſame Road which lies between *Horton* and *Morpeth* Caſtle, one Toll, and no more; upon the Branch of Road from *Far Stob Hill* to *Stakeford*, one Toll, and no more; upon the Branch of Road from *Horton* to *South Blyth*, one Toll, and no more; and upon the Branch of Road from *Pleſſey Checks* to the Weſt End of *Fiſher Lane*, one Toll, and no more; and that all and every Perſon and Perſons having paid the ſaid one Toll, one Toll, one Toll, one Toll, and one Toll reſpectively, according to the Circumſtances, and producing a Note or Notes, Ticket or Tickets, denoting the Payment thereof, (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of ſuch Tolls), ſhall paſs and repaſs during the ſame Day, with or drive the ſame Horſes, Cattle, Sheep or Beaſts, or with the ſame

Carriages, Toll free, through the ſeveral other Toll Gates or Turnpikes erected by virtue of this Act upon ſuch Part or Parts of the ſaid Road and Branches of Road reſpectively, as is herein-before mentioned.

On Payment of Tolls at certain Gates, to paſs others free.

XX. Provided always, and be it further enacted, That all and every Perſon or Perſons having paid the Toll at either of the ſaid Two Toll Gates or Turnpikes to be erected upon the ſaid Branch of Road from *Horton* to *South Blyth*, and producing a Note or Notes, or Ticket or Tickets thereof (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of ſuch Tolls), ſhall paſs and repaſs during the ſame Day with, or drive the ſame Horſes, Cattle, Sheep or Beaſts, or with the ſame Carriage or Carriages, Toll free, through the ſaid Toll Gate or Turnpike to be erected on the ſaid main Line of Road at the Eaſt End of the Houſe now occupied by *Samuel Elſtob*, near *Pleſſey Checks*, and alſo through the ſaid Toll Gate or Turnpike to be erected on the ſaid Branch Road from *Pleſſey Checks* to the Weſt End of *Fiſher Lane*; and in like Manner all and every Perſon and Perſons having paid the Toll at the ſaid laſt-mentioned Gate or Turnpike, on producing a Note or Ticket thereof, ſhall paſs or repaſs as before mentioned, Toll free, through the ſaid Two Toll Gates or Turnpikes to be erected on the ſaid Branch Road leading from *Horton* to *South Blyth*.

Tolls to be paid but once a day.

XXI. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than once at any one Toll Gate or Turnpike to be erected by virtue of this Act, for paſſing or repaſſing at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night), with or driving the ſame Horſes, Cattle, Beaſts and Carriages, through the ſame Toll Gate or Turnpike; but all and every Perſon and Perſons after having paid Toll once as aforeſaid, and producing a Note or Notes, Ticket or Tickets, denoting the Payment of ſuch Toll, (which Notes or Tickets the 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 ſuch Day (except as herein-after mentioned), through the ſame Toll Gate or Turnpike where ſuch Toll was paid.

Carriages, &c. paſſing only One hundred Yards, not to be ſubject to Toll.

XXII. Provided always, and be it further enacted, That no Perſon ſhall be liable to pay Toll at any Turnpike or Toll Gate, to be erected upon, acroſs, or on the Side of the ſaid Road or reſpective Branches of Road intended to be repaired or made by virtue of this Act, for any Carriage, Horſe, or Beaſt, which ſhall croſs the ſaid Road and Branches of Road reſpectively, or any of them, and ſhall not paſs above One hundred Yards thereon; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Exemptions from Tolls.

XXIII. And be it further enacted, That no Toll ſhall be demanded or taken for any Horſe, Ox, or other Beaſt, or any Carriage paſſing through any of the Turnpikes to be erected in, upon, and on the Sides of the ſaid Road and Branches of Road reſpectively, and employed or to be employed in carrying or conveying Stones, Bricks, Lime, Timber, Wood, Gravel, or any other Materials for repairing the ſaid Road and Branches

Branches of Road reſpectively, or any of the Highways in the Pariſhes, Townſhips, Diſtricts or Places in which the ſame Road and Branches of Road do reſpectively lie, or returning empty after having been ſo employed; or in going for or in carrying or conveying any Limeſtones or Lime, Dung, Mould or Compoſt, for manuring and improving Land; or in carrying or conveying any Hay, Corn or other Produce of the Lands not ſold or diſpoſed of, but to be laid up in the Houſes, Outhouſes, Barns or Yards, of or belonging to the reſpective Inhabitants of the ſeveral Pariſhes, Townſhips, Diſtricts or Places aforeſaid, ſuch Hay, Corn, or other Produce, being the Produce of Grounds lying within ſuch Pariſhes, Townſhips, Diſtricts or Places reſpectively; or any Ploughs, Harrows, or any other Implements of Huſbandry, or any other Thing whatſoever belonging to or employed in Huſbandry by ſuch Inhabitants reſpectively; nor ſhall any of the Tolls or Duties hereby granted, be demanded or taken from any Perſon or Perſons reſiding in the ſaid Pariſhes, Townſhips, Diſtricts or Places, who ſhall paſs through any of the ſaid Toll Gates or Turnpikes to or from Church, Chapel, or any other Place of Religious Worſhip tolerated by Law, on *Sundays* or Holidays, or on any other Day on which Divine Service ſhall be ordered by Authority to be celebrated, or when attending the Funeral of any Perſon or Perſons who who ſhall die and be buried in any of the Pariſhes in which the ſaid Road and Branches of Road reſpectively do lie; or from any Rector, Vicar, or Curate going to or returning from his own Parochial Church, Chapel, or Place of Divine Worſhip, or viſiting any ſick Pariſhioner; nor for any Horſes, Mares, Geldings, or Cattle going to or returning from Work in cultivating the Lands or Grounds within ſuch Pariſhes, Townſhips, Diſtricts or Places, or 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 or Branches of Road reſpectively, more than the Space of Two Miles in going to or returning from Water or Paſture); nor for any Cattle or Carriage belonging to the reſpective Inhabitants of ſuch Pariſhes, Townſhips, Diſtricts or Places, only paſſing to the Smith's Shop in order to be ſhod or repaired; nor for any Horſes, Cattle, or Carriages of whatever Deſcription, which ſhall be employed in conveying any Mails or Packets made up under the Authority or Direction of His Majeſty's Poſtmaſter General or his Deputies, either when employed in conveying, fetching, or guarding ſuch Mails or Packets, or in returning back from conveying the ſame; nor for any Horſes, Cattle, or Carriages attending any 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 carrying any wounded, ſick, or diſabled Officers or Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatſoever, or the Horſe or Horſes or other Cattle drawing the ſame, which ſhall be employed in conveying any Ordnance, Barrack, or Commiſſariat, or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces; nor for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exerciſe: Provided always, that ſuch Perſons be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutre-

ments according to the Regulations provided for such Corps respectively at the Time of claiming such Exemptions as aforesaid; nor for any Horses, Cattle, or Carriages employed in carrying or conveying Vagrants sent by legal Passes; nor for the Horses or Carriages of any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said respective Counties of *Durham* or *Northumberland*; 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, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Carriages conveying Military Stores, not to be subject to Penalties for Overweight, &c.

XXIV. Provided always, and be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary notwithstanding.

To prevent evading the Tolls.

XXV. 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, not being the Owner or Owners, Occupier or Occupiers thereof, his, her, or their Servants or Servant, adjoining to or lying near any Toll Gate or Turnpike to be erected by virtue of this Act, the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage to pass through the same, whereby the Payment of any of the said Tolls or any Part or Parts thereof shall be evaded; or if any Person or Persons shall give to or receive from any Person other than the Collectors of the said Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Turnpike with any Horse, Cattle, Beast, or Carriage, or shall at any Time or Times take off or cause to be taken off any Horse, Ox, or any other Cattle or Beast, from any Carriage, whereby the Payment of any of the said Tolls, or any Part or Parts of the said Tolls shall be evaded, or shall leave or cause to be left upon or near to any Part of the said Road and Branches of Road respectively, 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, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Truſtees may compound for Tolls.

XXVI. And be it further enacted, That it ſhall and may 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 and Branches of Road reſpectively lead, for the paſſing of their Horſes, Cattle, or Carriages through all or any of the Toll Gates or Turnpikes to be erected on the ſaid Road and Branches of Road, or on the Sides thereof reſpectively; which Compoſition Money ſhall be paid yearly in advance, and in Default thereof, the Compoſition or Agreement with the Perſon or Perſons making ſuch Default, ſhall from thenceforth be void; and all ſuch Compoſition Money ſhall be paid and applied in ſuch Manner as the Tolls are hereby directed to be paid and applied.

Truſtees may leaſe Tolls.

XXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Seven 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 and Branches of Road reſpectively, or any Part or Parts thereof, for any Term of Years not exceeding Three Years at any one Time, for the beſt Price that can be gotten for the ſame, payable at ſuch Time and under ſuch Covenants, as the ſaid Truſtees or any Seven 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 Seven or more of them ſhall think fit.

Power to vary the Tolls.

XXVIII. And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may and are hereby authorized and empowered from Time to Time, when and as often as they ſhall think proper, to leſſen or reduce all or any of the Tolls hereby granted 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 Fifth Parts of the Money then due on Security of the ſaid Tolls; but no ſuch Reduction ſhall be made, unleſs Twenty-one Days Notice in Writing be given for that Purpoſe, by affixing the ſame upon all the Turnpikes then erected upon the ſaid Road and Branches of Road reſpectively, and by inſerting ſuch Notice in all the Newſpapers publiſhed at *Newcaſtle-upon-Tyne*.

Appointing Officers.

XXIX. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, may and they are hereby empowered, by Writing under their reſpective Hands, to appoint one or more Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors of the ſaid Road and Branches of Road reſpectively, and ſuch other Officers as the ſaid Truſtees, or any Five

Five or more of them ſhall think neceſſary; and ſuch Collectors, Clerks, Treaſurers, Surveyors, or other Officers or any of them, from Time to Time to remove; and on the Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered out of any of the Monies ariſing by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting to them or any of them, in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Service, as the ſaid Truſtees, or any Five or more of them ſhall deem reaſonable: Provided nevertheleſs, that no Perſon ſhall be capable of holding any Place of Profit under the ſaid Truſtees who ſhall ſell any Ale, Beer, Wine or Spirituous Liquors by Retail; and all ſuch Officers and Perſons ſhall from Time to Time when thereunto required by the ſaid Truſtees, 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 of the ſaid Truſtees, being a Juſtice of the Peace, is hereby empowered to adminiſter) of all Monies which they and every of them reſpectively ſhall have received to that Time by virtue of this Act, and how much thereof hath been paid and diſburſed, 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 or Perſon ſhall refuſe or neglect to give ſuch Account as aforeſaid, or ſhall refuſe or neglect to produce or deliver up ſuch Vouchers relating to the ſame, or to verify the Articles thereof upon Oath, or ſhall refuſe or neglect to pay the Money due upon ſuch Account in manner aforeſaid; or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or 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, or 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 of the Juſtices of the Peace for the County or Place where the Officer or Perſon ſo making Default ſhall be or reſide, and ſuch Juſtices, upon Complaint thereof being 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 the Confeſſion of the Parties themſelves reſpectively, as by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices, or either of them, are and is hereby empowered and required to adminiſter without Fee or Reward); and if any ſuch Officer or Perſon ſhall be convicted of any of the Offences aforeſaid, ſuch 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

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 want of ſufficient Diſtreſs, by virtue of this Act, for any longer Space of Time than Twelve Calendar Months.

Truſtees may appoint temporary Collectors in certain Caſes.

**XXX.** And be it further enacted, That upon the Death, Incapacity, abſconding or Abſence of any Collector or Receiver of the Tolls, any Three or more of the Truſtees, though not aſſembled at a 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 as ſhall ſo die, become incapable, abſcond or abſent himſelf; which Perſon ſo nominated and appointed, ſhall have the like Power and Authority, and be anſwerable and accountable in the ſame Manner, in all reſpects, as the Perſon who ſhall ſo die, become incapable, abſcond or abſent himſelf, would have had or been ſubject to: And that if any Collector or Receiver of the ſaid Tolls, who ſhall be diſcharged from his ſaid Office by the ſaid Truſtees, or the Wife or Widow, or any of the Children, Family or Repreſentatives of any Collector or Receiver who ſhall die, abſcond, abſent himſelf or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll Houſe or Building to be erected or ſet up by virtue of this Act, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpoſe by any Three or more of the ſaid Truſtees, or by their Clerk or Treaſurer; then and in any of the ſaid Caſes, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace for the County in which ſuch Toll Houſe or Building ſhall be, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Conſtable or other Peace Officer for the ſame County, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe or Building in the Day Time, and to remove the Perſon or Perſons who ſhall be found therein, together with his, her, or their Goods, out of the ſame, and to put the ſaid Truſtees, or any Three or more of them, or any of their Officers, in the Poſſeſſion thereof.

*How Truſtees may recover Poſſeſſion of Toll Houſes.*

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

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

Treaſurer, &c. to give Security.

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

Subscribers compellable to pay their Subscriptions.

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

For borrowing Money on Security of the Tolls.

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

Form of Mortgage.

'BY virtue of an Act made in the Year of the Reign of
'His Majesty King *George* the intituled, [*here set forth the Title*
'*of the Act*] We of the Trustees for putting
'the said Act into Execution, in Consideration of the Sum of
' in Hand, advanced and paid by *A. B.* of
' to the Treasurer of the said Road, do hereby grant, bar-
'gain, sell and demise, unto the said *A. B.* his Executors, Administrators
'and Assigns, such Proportion of the Tolls to arise upon the said Road
'from *Tynemouth* Church to *Morpeth* Castle; and upon the said Branch
'Road from *Far Stob Hill* to *Stakeford*, [*or* upon the said Branch Roads
'from *Horton* to *South Blyth*, and from *Plessey Checks* to the West End of

'*Fisher*

‘ *Fiſher Lane, as the Caſe may be*], and of the Turnpikes and Toll
‘ Houſes already or hereafter to be made and erected thereon for collect-
‘ ing the ſame, as the ſaid Sum of doth or ſhall bear
‘ to the whole Sum now or hereafter to become due and owing on the
‘ Security thereof, to be had and holden from the Day of the Date hereof
‘ for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of
‘ with Intereſt after the Rate of *per*
‘ *Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under
‘ our reſpective Hands and Seals this Day of
‘ in the Year of our Lord .’

Copies to be entered.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees, and which ſaid Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; but no Money ſhall be borrowed upon the Security of the ſaid Tolls after the Firſt Meeting to be held in purſuance of this Act, unleſs Notice for that Purpoſe be affixed in Writing upon all the Turnpikes then erected by virtue of this Act, and alſo inſerted in Two or more of the Newſpapers publiſhed at *Newcaſtle-upon-Tyne*, at leaſt Ten Days before the borrowing thereof; 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 Aſſignment or Transfer may be made in the following Words, or Words to the like Effect, to be indorſed on ſuch Mortgage Security, or to be thereunder written or thereunto annexed, and ſigned in the Preſence of and atteſted by One or more credible Witneſs or Witneſſes; (that is to ſay),

Notice to be given of borrowing Money.

Form of Transfer.

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

Transfer to be entered.

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

on the Tolls, Turnpikes and Toll Houſes mentioned and particularized in ſuch Mortgages or Transfers, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing their Monies, or of the Dates of their reſpective Securities; and that whenever the ſaid Truſtees ſhall be enabled to pay off any of the Money which ſhall be ſubſcribed or borrowed as aforeſaid, they ſhall aſcertain the Securities to be firſt paid off by Ballot, in ſuch Manner as they or any Five or more of them ſhall think proper.

Application of the Monies.

XXXV. And be it further enacted, That all the Monies which ſhall ariſe and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and be applied to and for the ſeveral Uſes, Intents and Purpoſes, and in the Order and Manner following; (that is to ſay), all Monies ariſing and to be produced from the Tolls to be collected and received upon the ſaid Road from *Tynemouth* Church to *Morpeth* Caſtle, and the Branch Road from *Far Stob Hill* to *Stakeford*, together with the Monies which ſhall be borrowed upon the Credit thereof, and all other Monies which ſhall ariſe and be produced from the ſaid laſt-mentioned Road and Branch of Road, by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and be applied, in the Firſt Place, in Payment of all the Coſts, Charges and Expences incident to or attending the obtaining and paſſing of this Act (except ſuch extraordinary or additional Coſts, Charges and Expences as ſhall be incurred in applying for and obtaining the ſame, by reaſon of the ſaid Two ſeveral Branch Roads from *Horton* to *South Blyth*, and from *Pleſſey Checks* to the Weſt End of *Fiſher Lane*, being included herein); in the Second Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houſes and other Buildings upon the ſaid Road from *Tynemouth* Church to *Morpeth* Caſtle, and upon the ſaid Branch Road from *Far Stob Hill* to *Stakeford*, and of repairing the ſame, and of altering, raiſing, widening, repairing and preſerving the ſaid laſt-mentioned Road and Branch of Road reſpectively, and of erecting and making neceſſary and convenient Bridges upon the ſame, (except as herein-after is mentioned with reſpect to the repairing and preſerving one Moiety of that Part of the main Road which extends from *Horton* to *Pleſſey Checks*), and of executing the other Purpoſes of this Act, with reſpect to ſuch laſt-mentioned Road and Branch of Road; in the Third Place, in paying the Intereſt accruing upon the ſeveral Principal Sums of Money which ſhall from Time to Time be ſecured upon the Tolls to ariſe upon the ſaid laſt-mentioned Road and Branch of Road, and upon the Turnpikes and Toll Houſes to be erected thereon for collecting the ſame, in purſuance of this Act; and laſtly, in reducing, paying off and diſcharging the ſeveral Principal Sums of Money, which ſhall be ſecured upon the ſaid laſt-mentioned Tolls, Turnpikes and Toll Houſes, in purſuance of this Act, in the Manner and Courſe herein-before directed or mentioned: And all Monies ariſing and to be produced from the Tolls to be collected and received upon the ſaid Two ſeveral Branch Roads from *Horton* to *South Blyth*, and from *Pleſſey Checks* to the Weſt End of *Fiſher Lane*, together with the Monies which ſhall be borrowed upon the Credit

Credit thereof, and all other Monies which ſhall ariſe and be produced from the ſaid Two ſeveral laſt-mentioned Branch Roads, by virtue of this Act, and not herein otherwiſe appropriated or directed to be applied, ſhall be veſted in the ſaid Truſtees for the Time being, and be applied, in the firſt Place, in Payment of all ſuch extraordinary or additional Coſts, Charges and Expences as ſhall be incurred, or incident to or attending the obtaining and paſſing of this Act, by reaſon of the ſaid Two laſt-mentioned Branch Roads being included therein; in the Second Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houſes and other Buildings upon the ſaid Two laſt-mentioned Branch Roads reſpectively, and of repairing the ſame, and of altering, raiſing, widening, repairing and preſerving the ſame, and of erecting and making neceſſary and convenient Bridges upon the ſame, and of repairing and preſerving One Moiety of that Part of the Main Road which extends from *Horton* to *Pleſſey Checks*, and of executing the other Purpoſes of this Act, with reſpect to ſuch Two laſt-mentioned Branch Roads; in the Third Place, in paying the Intereſt accruing upon the ſeveral Principal Sums of Money, which ſhall from Time to Time be ſecured upon the Tolls to ariſe upon the ſaid Two laſt-mentioned Branch Roads, and upon the Turnpikes and Toll Houſes to be erected thereon for collecting the ſame, in purſuance of this Act; and laſtly, in reducing, paying off, and diſcharging the ſeveral Principal Sums of Money, which ſhall be ſecured upon the ſaid laſt-mentioned Tolls, Turnpikes and Toll Houſes, in purſuance of this Act, in the Manner and Courſe herein-before directed and mentioned.

For getting Materials for repairing the Road, &c.

XXXVI. And be it further enacted, That it ſhall be lawful for the Surveyor and Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, to dig, take and carry away any Furze, Heath, Stone, Sand, Gravel or other Materials proper or convenient for repairing the ſaid Road and Branches of Road reſpectively, out of and from any Common or Waſte Lands, Common, River or Brook (not being within the Diſtance of Thirty Yards from any Bridge, Dam, Wear or Jetty), in any Pariſh, Town, Village or Hamlet, within which the ſaid Road and Branches of Road reſpectively, or any Part or Parts thereof reſpectively do lie; and for Want of ſufficient Quantities of ſuch Furze, Heath, Stone, Sand, Gravel, or other Materials, in the Places laſt deſcribed, then to dig, take and carry away the like Materials out of any Common or Waſte Lands, Common, River or Brook (not being within the like Diſtance from any Bridge, Dam, Wear or Jetty), in any adjoining Pariſh, Town, Village or Hamlet, without making any Recompence for the ſame; the ſaid Surveyor and Surveyors filling up, fencing, or levelling all ſuch Pits and Holes as ſhall be made or occaſioned by the digging for or taking away ſuch Materials, and making ſuch Allowance or Satisfaction to the Perſon or Perſons, through whoſe Lands or private Ways ſuch Materials ſhall be led and carried, for the Damages done and occaſioned thereby, as the ſaid Truſtees, or any Five or more of them, ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot be gotten in ſuch Common or Waſte Lands, Commons, Rivers and Brooks as aforeſaid, it ſhall be lawful for ſuch Surveyor and Surveyors, by Order of the ſaid Truſtees, or any Five or more of them, 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

where such Materials are or may be found; and from Time to Time to carry away such and so much of the said Materials respectively, as they the said Surveyor or Surveyors shall judge necessary for making, repairing and amending the said Road and Branches of Road respectively; paying such Recompence for such Materials, and for the Damage done, to the Owners and Occupiers of the respective Grounds where, through, or 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 Value of such Materials or the Amount of such Damages aforesaid, any Two Justices of the Peace for the County or Counties wherein the Lands lie from which such Materials shall be taken, or over or through which the same shall have been led or carried, on Ten Days Notice being given by either Party to the other in Writing, shall and may assess, adjudge, and finally determine the same, in such Manner as they shall think fit and expedient.

Notice to be given to Occupiers of private Grounds before any Materials are taken therefrom.

XXXVII. Provided always, 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 such Materials as aforesaid for any of the Purposes of this Act, in or from any of the inclosed Lands or Grounds, until after Twenty-one Days Notice in Writing, signed by the said Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at their usual Place of Residence, to appear before One or more Justice or Justices of the Peace acting for the County in which such inclosed Lands lie, at a certain Time and Place specified in such Notice, to shew Cause why such Materials shall not be taken away; and in case such respective Owners or Occupiers shall by themselves, or their respective Agents, attend pursuant to such Notice, such Justice or Justices shall, if they or he shall 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 Justice or Justices shall seem proper; or if such respective Owners or Occupiers shall neglect or refuse to appear by themselves or their respective Agents, such Justice or Justices shall and may make such Order therein as they or he shall think fit, as fully and effectually to all Intents and Purposes, as if such respective Owners or Occupiers had attended in Manner aforesaid.

Penalty on taking away Materials got by Surveyors.

XXXVIII. And be it further enacted, That if any Person whomsoever shall take or carry away any Materials which shall have been digged or gathered for the Purpose of making, completing or amending the said Road and Branches of Road respectively, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Road and Branches of Road respectively, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale), every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

XXXIX. And

Surveyors may remove Annoyances.

XXXIX. 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 and Branches of Road reſpectively, 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 and Branches of Road, or any Part or Parts thereof reſpectively; and alſo to cut down, top or lop, at proper Seaſons of the Year, any Branches or Buſhes growing in the Hedges, Fences or Grounds adjoining thereto, (ſo as to reduce ſuch Hedges to any Height not leſs than Four Feet), and to take and carry away the ſame, in caſe the reſpective Owners or Occupiers of the Lands where ſuch Annoyances ſhall happen to be, ſhall neglect ſo to do for Twenty-one 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 Five or more of them) ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch reſpective Owners or Occupiers neglecting to cut down ſuch Branches or Buſhes, or by the Perſon or Perſons occaſioning, or neglecting or refuſing to remove ſuch Annoyances as aforeſaid; which Charges ſhall be levied and recovered in the ſame Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered; and if after the Removal of any ſuch Annoyances, any Perſon or Perſons ſhall offend again in the like Manner, every ſuch Perſon ſhall for every ſuch Second or further Offence, forfeit and pay any Sum not exceeding Fifty Shillings.

Surveyors may make Cauſeways, Drains, &c.

XL. And be it further enacted, That it ſhall be lawful for ſuch Surveyor and Surveyors, and ſuch other Perſon and Perſons as ſhall be appointed by Order of the ſaid Truſtees, or of any Five or more of them, to make Cauſeways or Footpaths in or along the Side of the ſaid Road and Branches of Road reſpectively; and to cut and make Drains or Watercourſes upon and through any Grounds lying contiguous to the ſaid Road and Branches of Road reſpectively; 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 make ſufficient Fenders, Barriers and other Erections on any Part or Parts of the ſaid Road and Branches of Road reſpectively, 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 and Branches of Road reſpectively, 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 of Difference ſhall ariſe, at their General Quarter Seſſions of the Peace to be held for ſuch County, next after ſuch Difference ſhall ariſe.

Penalty of driving Barrows, &c. on the Foot-paths.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall run, drive or draw, or cauſe to be run, driven or drawn, on any Part of the Footpaths of the ſaid Road, and Branches of Road, any Wheel or Wheels, Wheelbarrow, Truck, or any Carriage whatſoever, or ſhall wilfully drive or ride any Horſe or other Beaſt thereon, ſuch Perſon or Perſons ſhall forfeit for the Firſt Offence, any Sum not exceeding Five Shillings; and for every other Offence, any Sum not exceeding Twenty Shillings.

Truſtees may widen, turn, or alter the Roads, &c.

XLII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to widen, turn, or alter any Part or Parts of the ſaid Road and Branches of Road intended to be repaired and made by virtue of this Act, for ſhortening the ſame, or rendering the ſame more commodious, or for the better Accommodation of Paſſengers, according to the Map or Plan herein referred to, and that ſuch Variation of the ſaid Road and Branches of Road reſpectively, may be made through or over any Moor or Waſte Ground, without making any Satisfaction for the ſame, and alſo through or over any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to treat, contract and agree with the Owners of and Perſons intereſted in any private Grounds or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners and Perſons intereſted, or any of them, ſhall or may anyways ſuſtain by ſuch widening, turning or altering any Part or Parts of the ſaid Road and Branches of Road reſpectively; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infant, Femes Covert, Ceſtuique Truſts, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeized, poſſeſſed of or intereſted in any ſuch Lands or Hereditaments, 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 and convey to them, or any Five or more of them, all or any of ſuch Lands or Hereditaments, as Occaſion ſhall be or require; and all Contracts, Sales and Conveyances which ſhall be ſo made, ſhall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in Law to all Intents and Purpoſes, any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act; and if any ſuch Owner, Proprietor, Occupier, Bodies Politic, Corporate

or

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

Sheriffs to ſummon Juries.

Intereſt, and Property of, in, to, or out of the ſame; and for the ſummoning or returning of ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein the Lands, Grounds, or Hereditaments in queſtion as aforeſaid do lie, thereby commanding and requiring him to impanel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees, or any Five or more of them, at ſuch Time and Place, and within ſuch County, as in ſuch Warrant ſhall be appointed; and the ſaid Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon, and return ſuch Number accordingly, and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any Two or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff or his Deputy or Deputies ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees, 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, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes;

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

and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, refuſing to give or not giving their Verdict, or in any other Matter wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury touching the ſaid Premiſes, ſhall refuſe or neglect to appear, or appearing, ſhall refuſe to be ſworn and give Evidence, and from Time to Time to levy or apply ſuch Fine or Fines, in the ſame Manner as other Penalties, Forfeitures, or Fines are herein-after directed to be levied and applied, ſo that ſuch Fine ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff or his Deputy, and the Sum of Forty Shillings upon any other Perſon for any One Offence.

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

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

before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property in any ſuch Lands or Hereditaments, or Loſſes or Damages as aforeſaid, then the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, ſhall be paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have had ſuch Controverſy or Diſpute; which ſaid Coſts and Expences having been aſcertained and ſettled by ſome Juſtice or Juſtices of the Peace for the County wherein ſuch Lands, Grounds or Hereditaments reſpectively ſhall lie, not being intereſted in the Matter in queſtion, (who is and are hereby empowered and required to examine, aſcertain and ſettle the ſame,) ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon and Perſons; and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed and adjudged; or otherwiſe ſuch Coſts and Expences, in caſe the ſame are not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by ſuch Ways and Means as are hereinafter provided for the Recovery of Penalties, Forfeitures, and Fines: Provided always, and it is hereby declared, that in Caſes where any Perſon or Perſons ſhall, by reaſon of Abſence, have been prevented from treating, One Half of ſuch Coſts and Expences ſhall be deducted out of the Purchaſe Money, and the other Half ſhall be paid by the ſaid Truſtees in Manner aforeſaid.

Perſons abſent to be charged with only Half the Expences.

XLIV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the ſaid Tolls, or out of the Monies borrowed on the Credit thereof, to the Parties or Perſons reſpectively entitled thereto, or to their Agents, or into the Bank of *England*, for the Purpoſe of being diſpoſed of in Manner herein-after mentioned; and after Ten Days Notice thereof given to ſuch Parties or Perſons, or their Agents, ſuch Lands or Hereditaments ſhall be laid into and made Part of the ſaid Road and Branches of Road reſpectively, 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 or any Five or more of them ſhall appoint, ſufficiently drained, ditched, fenced, and ſet out for that Purpoſe, and ſhall to all Intents and Purpoſes whatſoever become and be and be deemed and taken to be a Common Highway, and Part of the ſaid Road or Branches of Road reſpectively, and ſhall be repaired and kept in repair in ſuch Manner as the ſaid Road and Branches of Road, hereby appointed to be made and repaired, are reſpectively by this or any other Law, to be made and repaired; and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands, Grounds, or Hereditaments, and after ſuch New Road ſhall be completed, the Lands conſtituting ſuch former Road or any Part thereof, unleſs leading over ſome Moor or Waſte Ground, or to ſome Village, Town, or Place, to which ſuch new Road doth not lead, ſhall be veſted in the ſaid Truſtees for the Time being, and ſhall and may be ſold and conveyed by the ſaid Truſtees, or any Five or more of them, for the beſt Price that can be gotten for the ſame, and the Money ariſing from ſuch Sale ſhall be applied to the Purpoſes of this Act; and the ſaid Truſtees, or any Five or more of them are hereby empowered to give in Exchange any Part or Parts of the Lands conſtituting

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

the former Road and Branches of Road respectively, for any Part or Parts of such new Road, and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the County wherein such Road shall lie, shall be good and effectual in Law to all Intents and Purposes whatsoever; but this Act shall not extend to the taking down of any Dwelling House or other Building, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or Plantation or Nursery of Trees, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, any Thing herein contained to the contrary notwithstanding: Provided always, that when any Grounds shall be sold by the said Trustees in pursuance of the Powers of this Act, the same shall be first offered at a fair and reasonable Price to the Person or Persons from whom the same shall have been purchased, his, her, or their Heirs, or in case of the Sale of Part of an old Road, the same shall be first offered at a reasonable Price to such Person or Persons as shall have Lands adjoining thereto; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase the same, any Affidavit to be made and sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Piece or Pieces of old Road or Ground shall lie, by some Person or Persons no ways interested in the said Piece or Pieces of old Road or Ground, stating that such an Offer was made by and on the Behalf of the said Trustees, and that such Offer was not then and there agreed to, or was refused by the Person or Persons to whom the same was offered, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees, or any Five or more of them, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees, or any Five or more of them, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*.

This Act not to extend to the taking down of Houses, &c.

Old Road to be sold; Preference to be given to Owners of Lands adjoining.

Application of Compensation when amounting to £200.

XLV. And be it further enacted, That if there shall be any Money to be paid for the Purchase of any Lands, Tenements or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be paid under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have

have been entitled to the Rents and Profits of the ſaid Lands, Tenements or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the 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 ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced 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 ſaid Lands, Tenements and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than £200. and exceeds £20.

XLVI. Provided always, and be it further enacted, That in caſe the Money ſo to be paid for any Lands, Tenements or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Body Politic, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements and Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Five or more of the ſaid Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when the Money is leſs than 20l.

XLVII. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or aſſeſſed to be paid as herein-before mentioned ſhall be leſs than the

the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees 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, &c.

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 in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Trustees, to order the Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them,] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

Persons in Possession presumptively entitled.

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 of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn

to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements or Hereditaments, or to ſome Eſtate or Intereſt therein.

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, Tenements or Hereditaments to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct; Provided always, that Lords of Manors, or other Proprietors, ſhall have the ſame Intereſt and Property in and to the Soil and Royalties of or within ſuch new Roads as they were ſeiſed or poſſeſſed of or entitled unto in the former Roads, and in lieu whereof ſuch new Roads ſhall be made; and that all Mines, Minerals, and Foſſils lying under any Grounds made uſe of for the Purpoſes of this Act, and not conſtituting any Part or Parts of the preſent Road and Branches of Road reſpectively, as well as under the former Roads, ſhall continue to be the Property of the Perſon or Perſons, who from Time to Time have been ſeiſed of or entitled to the ſame, in caſe this Act had not been made; and in caſe the Owner of any ſuch Ground ſhall require a Certificate from the ſaid Truſtees, of the Quantity and Situation of Ground ſo made uſe of, the ſaid Truſtees, or any Five or more of them, are hereby empowered and required to grant ſuch Certificate *gratis*, and ſuch Certificate may be enrolled in the Office of the Clerk of the Peace of the County wherein ſuch Ground ſhall lie, and a true Copy thereof, ſigned by ſuch Clerk of the Peace or his Deputy, ſhall be deemed legal Evidence of the ſame: Provided alſo, that no Perſon ſhall act as a Truſtee, in any Caſe relating to the contracting for or purchaſing of any Lands, Grounds, or Hereditaments wherein he ſhall be intereſted.

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

Truſtees not to act concerning Purchaſes where intereſted.

Truſtees to fence the new Road.

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

LII. Provided

Waggon Ways not to be damaged.

LII. Provided always, and be it further enacted, That nothing in this Act contained ſhall be conſtrued to authorize and empower the ſaid Truſtees to pull up, alter, damage, obſtruct or prejudice any Waggon Way, Railway or Tram Road, laid or to be laid acroſs or near the ſaid Road or Branches, or any Part thereof, or to ſtop or obſtruct any Horſes going or returning with any Waggons laden with Coals, or empty, paſſing along the ſame Waggon Ways; but that the Owner or Occupier of ſuch Waggon Ways ſhall have the ſame Right and Power to uſe and enjoy the ſame, from Time to Time, as Occaſion may require, and to do all ſuch Acts and Things as are or ſhall be needful or neceſſary for the Purpoſes aforeſaid, as fully and freely as if this Act had not been made.

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

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

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

LIV. And for determining Differences which may ariſe between the ſaid Truſtees, and the Perſon or Perſons, Bodies Politic or Corporate, County or Counties, or any Ward, Pariſh, or Townſhip therein, touching where, how, and in what Manner ſuch particular Part or Parts of the ſaid Road and Branches of Road reſpectively, 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 ſaid Counties of *Durham* or *Northumberland* reſpectively, 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 reſpective Counties, 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 and Branches of Road reſpectively, Bridges, Arches, Drains, and Sewers, ſhall from Time to Time be maintained and repaired by ſuch Perſon or Perſons, Bodies Politic or Corporate, County or Counties, or any Ward, Pariſh, or Townſhip therein, 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: Provided always, that all and every Perſon and Perſons who by Law are chargeable with the repairing of any particular Part or Parts of the ſaid Road and Branches of Road reſpectively, ſhall ſtill remain ſo chargeable, and alſo ſhall do their reſpective Statute and other Work in or upon the other Highways of the Pariſhes, Townſhips, or Places, in which ſuch Part or Parts of the ſaid Road and Branches of Road reſpectively do lie, in the like Manner as he, ſhe,

ſhe, or they was or were accuſtomed to do, or ought to have done, before or at the Time of the Commencement of this Act.

Juſtices to determine what Proportion of Statute Duty ſhould be done by the ſeveral Perſons.

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

or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in force or effect for the Repair of Public Highways; and if any Perſon who ſhall come to work as a Labourer, or ſhall be ſent with any Team or Draught to work on the ſaid Roads, ſhall be found idle or negligent by any Surveyor of or to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and diſmiſs the Perſon who ſhall be ſo found idle or negligent as aforeſaid; and in that Caſe, any ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments as aforeſaid, as if he, ſhe, or they had refuſed or neglected to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Roads; all which Forfeitures ſhall be paid to the ſaid Truſtees or to their Treaſurer, and ſhall be applied towards amending the ſaid Roads hereby directed to be repaired; and in caſe the Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly and wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute or other Work.

LVI. And be it 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, Tenements, or Hereditaments, which are or ſhall be liable to, or chargeable with the Repair of any Part of the ſaid Road and Branches of Road reſpectively, 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 and Branches of Road reſpectively ſhall lead, 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 ſaid Road and Branches of Road reſpectively; 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 Branches reſpectively; and all ſuch Surveyors ſhall be reimburſed the Monies by them paid, in ſuch Manner as herein-after mentioned.

Compoſition Monies how to be recovered.

LVII. Provided always, and be it enacted, That in caſe any Compoſition Money agreed to be paid for or in lieu of any Statute or Days Works of the Inhabitants of any Pariſh, Townſhip, or Place wherein the ſaid Road and Branches of Road reſpectively do lie, or in reſpect of any Lands, Tenements, or Hereditaments liable or chargeable by Tenure or otherwiſe, as aforeſaid, ſhall not be paid within Fifteeen Days next after the ſame ſhall become payable, according to ſuch Compoſition or Agreement, that then it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, or any One or more Juſtice or Juſtices of the Peace of the ſaid Counties of *Durham* or *Northumberland* reſpectively, wherein the ſaid Pariſh, Townſhip, or Place ſhall be ſituated, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Perſon or Perſons authorized by the ſaid Truſtees, or any Five or more of them, to receive

ceive such Composition Money (Oath having been first made that the same hath been demanded and remains unpaid, which Oath the said Trustees, or any Five or more of them, or the said Justice or Justices are and is hereby empowered and required to administer), to levy such Composition Money by Distress and Sale of the Goods of the Person or Persons so having compounded for any Statute or Days Works, or for any Lands, Tenements, and Hereditaments liable or chargeable by Tenure or otherwise as aforesaid, or of the Surveyor or Surveyors of the Highways for the Time being of such Parish, Townships, or Hamlet, in respect of whose Statute or Days Works such Composition shall be made, returning the Overplus (if any) to the respective Owners of the Goods so to be distrained, upon Demand, after the Charges of such Distress and Sale shall have been thereout deducted.

How Highway Surveyors are to be reimbursed the Composition Money.

LVIII. Provided also, and be it enacted, That if the Surveyor or Surveyors of the Highways for the Time being, of any Parish, Townships, or Place, for or in respect of whose Statute or Days Works such Composition shall be made as aforesaid, shall pay the Composition Money, or if such Composition 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 and reimbursed the Composition Money which shall so be paid by or recovered of him or them as aforesaid; together with the Costs and Charges of such Distress and Sale, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the said Highways.

Penalty on Persons obstructing the Execution of the Act.

LIX. And be it further enacted, That if any Person or Persons shall assault or hinder, or cause to be assaulted or hindered, the Collectors of the said Tolls or any of them, in the Execution of any Part of this Act, every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For securing transient Offenders.

LX. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution, be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County, and near to the Place where the Offence or Offences shall be committed, in order to his, her or their Conviction of such Offence or Offences.

Roads to be measured, and Miles Stones erected.

LXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall be and are hereby empowered and required to cause the said Road and Branches of Road respectively to be measured, and Mile Stones or Posts to be set up, and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon, denoting the Number of Miles, and Distance of Places, and also proper Direction Posts where any other Roads lead out of or into the said Road and Branches of Road,

Road, hereby directed to be made and repaired respectively, with Inscriptions thereon, denoting to what Place or Places such other Roads respectively do lead, as they, or any Five or more of them shall think fit; and if any Person or Persons shall wilfully break or pull down, dig up, injure or destroy any of the Stones or Posts which shall be so fixed or set up, or erase, obliterate, or deface any of the Inscriptions or Letters which shall be engraven or made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty on drawing Timber and Stone upon the Road.

LXII. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road and Branches of Road respectively (excepting only on crossing the same) any Tree or Piece of Timber, or any Stone, otherwise than upon wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon wheeled Carriages, to drag upon any Part of the said Road and Branches of Road respectively, to the Prejudice thereof, every such Person shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Owners of Collieries may lay Waggon Ways across the Road and Branches.

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent the Owners or Occupiers of any Colliery or Collieries from laying a Waggon Way or Ways across any Part of the said Road or Branches of Road; but that such Owners and Occupiers of such Collieries as aforesaid shall and may have the same Liberty to make, repair, and use such Waggon Way and Ways across the said Road or Branches of Road, as they or any of them could or might have done in case this Act had not been made.

Gates to open inwards.

LXIV. And be it further enacted, That all Gates to be hereafter made or placed in any Hedge or Fence adjoining any of the said Roads, shall be made and hung to open inwards towards the Field or Ground, and not to open towards the Roads; and that it shall be lawful for the said Trustees, or any Five or more of them, to cause all or any of the Gates now erected in any Hedge or Fence, and which open outwards towards the Roads, to be altered and made to open inwards, in such Manner as they shall think fit.

Trustees may contract for Repairs.

LXV. 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 making, altering, raising, widening, and repairing the said Road and Branches of Road respectively, or any Part or Parts thereof respectively, and for erecting, building and making Arches and Bridges upon the same, and for erecting Mile and Direction Stones or Posts thereon, and for making any Hedges or Fences, or turning, altering, widening, or making any Part or Parts of the said Road and Branches of Road respectively, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum and Sums of

of Money as the ſaid Truſtees, or any Five or more of them, ſhall think proper.

Contracts to be binding.

LXVI. 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, or 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 the Roads are to be made.

LXVII. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, ſhall order the repairing and widening of the ſaid Road and Branches of Road reſpectively, to be begun at the ſame Time, at or near the ſeveral Places following; (that is to ſay) at *Robert Burrel*'s Farm Houſe, the Runner or Burn which ſeparates the Townſhips of *Monkſeaton* and *Earſdon*, *Holywell*, *North Moor*, *Horton*, *Hartford* Bridge, the Eaſt End of *Clifton Lane*, *Shadfin*, *Eaſt Choppington*, *Bebſide*, *Coopen*, *Baſington Quarry* and *Shevells Moor*.

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

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

LXIX. And for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice and Juſtices of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, may cauſe the Conviction to be drawn up in the following

Form of Words, as the Caſe ſhall happen, or in any other Form of Words, to the ſame Effect;

Form of Conviction.

County of } ‘BE it remembered, That on the Day of in the Year ‘of His Majeſty's Reign, and in the Year of Our Lord *A. B.* is convicted before ‘of His Majeſty's Juſtices of the Peace for the ſaid County, by virtue ‘of an Act of the Fifty-fourth Year of the Reign of King *George* the ‘Third, intituled, [*here ſet forth the Title of the Act, and ſpecify the Of-*‘*fence and when and where committed*]. Given under our Hands and Seals ‘[*or*, my Hand and Seal] the Day and Year firſt above written.’

Perſons aggrieved may appeal to the Quarter Seſſions.

LXX. 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 (ſave and except the Verdict of the Jury with reſpect to the Value of Lands, in turning, altering, widening or making any Part or Parts of the ſaid Road and Branches of Road reſpectively, as hereinbefore is directed), and for which no particular Relief hath been heretofore appointed, ſuch Perſon or Perſons may, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, appeal to the Juſtices of the Peace at any General Quarter Seſſions of the Peace for the ſaid Counties of *Durham* or *Northumberland* reſpectively, in which the Cauſe of Complaint ſhall ariſe, ſuch Appellant or Appellants firſt giving or cauſing to be given Ten 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 Four Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for the ſaid reſpective Counties, with Two ſufficient Sureties, conditioned to try ſuch Appeal at, and abide the Order of, and pay ſuch Coſts as ſhall be awarded againſt him, her, or them by the Juſtices of ſuch reſpective Quarter Seſſions; and the ſaid Juſtices, at their ſaid reſpective 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 reſpectively ſhall think proper; and the Determination of ſuch reſpective Quarter Seſſions, ſhall be final, binding and concluſive to all Intents and Purpoſes.

Diſtreſs not unlawful for want of Form.

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

Conviction, &c. not to be quaſhed for

LXXII. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders againſt this Act, or any Order

Order to be made, or any other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be quaſhed for Want of Form, or be liable to be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; any Law or Statute to the contrary notwithſtanding.

Want of Form, nor removed by Certiorari.

LXXIII. And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees in Execution of the Powers hereby to them given, ſhall from Time to Time be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, and ſuch Orders and Proceedings ſo entered ſhall be ſigned by the ſame Chairman of the ſaid Truſtees, and ſhall be deemed and taken to be original Orders and Proceedings; which ſaid Book or Books, and alſo the Book directed to be kept for regiſtering the ſaid Mortgages and Aſſignments, or Transfers, ſhall and may be produced and read in Evidence in all Courts whatſoever.

Books to be kept.

LXXIV. And be it further enacted, That the ſaid Truſtees may ſue and be ſued, for or concerning any Thing to be done by virtue of or in purſuance of this Act, in the Name of their Clerk or Treaſurer for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees, by virtue of this Act, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, or by the Act of 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 or Treaſurer, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid, 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.

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

Clerk to be reimburſed his Expences.

LXXV. And be it further enacted, That no Inhabitant of any Pariſh, Townſhip, Diſtrict, or Place, in which any Offence may be committed againſt this Act, ſhall be deemed and adjudged to be an incompetent Witneſs, by reaſon of his or her being an Inhabitant of any ſuch Pariſh, Townſhip, Diſtrict or Place.

Inhabitants may be Witneſſes.

LXXVI. 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 Ten Days Notice ſhall be thereof given to the Clerk or Clerks of the ſaid Truſtees, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the ſaid Counties of *Durham* or *Northumberland* reſpectively, 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

Limitation of Actions.

had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall have been brought before Ten Days Notice thereof was given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or ſhall be brought in any other County than the ſaid Counties of *Durham* or *Northumberland* reſpectively, 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, Judgment 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.

Treble Coſts.

Commencement and Continuance of this Act.

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

Public Act.

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

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