ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 40.

An Act for more effectually amending, widening, and keeping in Repair, the Road leading from the North End of the Turnpike Road called *The Coal Road*, near *West Auckland*, in the County of *Durham*, to the *Elsdon* Turnpike Road, at or near *Elishaw*, in the County of *Northumberland*.

[15th *April* 1813.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for altering, raising, widening, repairing, and preserving the Road leading from the North End of the Turnpike Road called* The Coal Road, *near* West Auckland, *in the County of* Durham, *to the* Elsdon *Turnpike Road, at or near* Elishaw, *in the County of* Northumberland; *and for making necessary and convenient Bridges, Mounts, and Batteries, upon the same*; which Act is near expiring: And whereas the Trustees appointed in and by virtue of the said Act have proceeded in the Execution thereof, and borrowed a considerable Sum of Money upon the Credit of the Tolls thereby granted, which Money still remains due and owing, and cannot be paid off, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term of the said Act is enlarged; and the said Road will be more effectually repaired, if the Powers and 32 G. 3.

Provisions of the said Act were repealed, and further and other Powers granted instead thereof; and it is expedient that the Tolls granted by the said Act should be increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Day of the Commencement of this Act, the said recited Act of the Thirty-second Year of the Reign of His present Majesty shall be and the same is hereby declared to be repealed; and that instead thereof, on the same Day, this Act shall commence and take Effect, and shall be put in Execution for and during the Term hereinafter mentioned, for the Purpose of amending, widening, improving, and repairing the said Road leading from the North End of the Turnpike Road called *The Coal Road* near *West Auckland*, in the County of *Durham*, to the *Elsdon* Turnpike Road, at or near *Elishaw*, in the County of *Northumberland*; and this Act, and the Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money due and owing upon the Credit of the said recited Act, and also to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this Act, together with all Interest due, and which shall or may from Time to Time hereafter become due and payable for the same respectively, in the Order and Course herein-after mentioned.

32 G. 3. repealed.

Appointment of Trustees.

II. And be it further enacted, That *Adam Askew*, *Alexander Adams*, *Ralph Atkinson*, Sir *William Blackett*, *Thomas Richard Beaumont*, *Calverly Bewick*, *William Bainbridge*, *George Baker*, *Charles William Bigge*, *Samuel Barrett*, *Thomas Hanway Bigge*, *John Erasmus Blackett*, *Christopher Blackett*, *Charles John Brandling*, *Ralph Brandling* Clerk, *William Burrell*, *Thomas Bates*, Sir *Thomas John Clavering* Baronet, *Charles John Clavering*, *Thomas Clennell*, *Edward Charlton*, *Francis Cholmeley*, *Slaughter Clarke* Clerk, *Robert Clarke*, *William John Charlton*, *John Carr*, *Robert Currey*, *John Clavering*, *John Davidson*, *Thomas Davidson*, *Joseph Dunn*, *George Dunn*, *George Dunn* the younger, *Simon Dodd*, *Michael Dodd*, Sir *Robert Eden* Baronet, *Henry Errington*, *Cuthbert Ellison*, *James Fenwick*, *William Gray*, *George Gibson*, *Jasper Gibson* of *Newbrough Lodge*, *Jasper Gibson* of the *Riding*, *William Thomas Greenwell*, *John Greenwell*, Sir *Carnaby Haggerston* Baronet, *Thomas Haggerston*, *Thomas Haggerston* the younger, *William Hodshon*, *John Hunter* of the *Hermitage*, *Septimus Hodson* Clerk, *George Hopper*, *James Hall*, *Robert Jobling*, *Henry Johnson* Clerk, *James Kirsopp*, *Thomas Kerr*, Sir *Thomas Henry Liddell* Baronet, Sir *Charles Loraine* Baronet, Sir *Henry Lawson* Baronet, *Ralph John Lambton*, *James Losh*, Sir *Charles Miles Monck* Baronet, Sir *Ralph Milbank* Baronet, *Arthur Mowbray*, *Simon Mewburn*, *Nathaniel Ogle*, *William Ord*, *Charles Ogle*, *Robert Pearson*, Sir *Matthew White Ridley* Baronet, *Matthew White Ridley*, *John Reed*, *Nicholas Ruddock*, *Archibald Reed*, *Francis Reed* Clerk, *Nicholas Ridley Reed*, *Ralph Riddell* of *Felton Park*, *Ralph Riddell* of *Cheeseburn Grainge*, *Henry Richmond*, *William Russell*, *Matthew Russell*, *John Rutherford*, Sir *John Edward Swinburn* Baronet, *Edward Swinburn*, *George Silvertop*, *Thomas Selby*, *Thomas Selby* the younger, *Charles Silvertop*, *Isaac Sparke*, *Anthony Surtees*, *Robert Surtees*, *John Trevelyan*, *Henry Tulip*, *Walter Trevelyan*, Sir *Henry Vane Tempest* Baronet, *Robert Hopper Williamson*, *Bacon William Wastell*, and *Henry Witham*, are hereby nominated and appointed Trustees for

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more effectually repairing, and keeping in Repair, the ſaid Road hereby directed to be repaired, and for putting in Execution the ſeveral Powers and Authorities in and by this Act given and granted.

Additional Number of Truſtees to be elected.

III. Provided always, and be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby reſpectively empowered at any Time or Times, to elect any Number of additional Truſtees for the ſaid Road, not exceeding Ten in the Whole, who ſhall have the ſame Power and Authority for executing this Act as if they had been hereby nominated and appointed.

Appointment of new Truſtees.

IV. And be it further enacted, That when and as often as any of the Truſtees hereby appointed, or to be elected and appointed in Manner herein-before and herein-after mentioned, ſhall die, or by Writing under their Hands, refuſe to act in the Execution of this Act, it ſhall be lawful for the ſurviving or remaining Truſtees, from Time to Time, to elect and appoint One other fit Perſon to be a Truſtee in the room of every Truſtee dying or refuſing to act as aforeſaid, provided that Notice of the Time and Place of Meeting of the Truſtees for every ſuch Election be given by the Clerk to the ſaid Truſtees, by inſerting ſuch Notice in One or more of the Newſpapers publiſhed at *Newcaſtle-upon-Tyne*, Fourteen Days at leaſt before every ſuch Meeting; and every Perſon who ſhall be elected and appointed a Truſtee, purſuant to the Directions of this Act, ſhall and may act with the remaining and ſurviving 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.

Five Truſtees may act, except in certain Caſes.

V. And be it further enacted, That all Acts, Proceedings, Matters, and Things, relative to the Execution of this Act, may be done and executed by any Five or more of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed in manner aforeſaid (except only in the Caſes hereafter directed to be done and executed by a greater Number of them.)

Qualification of Truſtees.

VI. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in Right of his Wife, ſeiſed or poſſeſſed of and in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, or Tenements, Tythes or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or ſhall be Heir Apparent of a Perſon ſo ſeiſed or poſſeſſed of Meſſuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Three hundred Pounds, above Reprizes, or ſhall be poſſeſſed of or entitled unto a clear Perſonal Eſtate of the Amount or Value of Three thouſand Pounds; and if any Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record by Action of Debt or on the Caſe; or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager at Law, or more than one Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, upon Proof 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.

Truſtees to take the following

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 or Affirmation next hereinafter mentioned) ſhall take and ſubſcribe an Oath, or, being one of the People called *Quakers*, ſhall make and ſubſcribe an Affirmation, in the Preſence of Two or more of the ſaid Truſtees (who are hereby authorized and empowered to adminiſter and receive the ſame) in the Form following; (that is to ſay)

Oath.

'I *A. B.* do ſwear [*or*, being one of the People called *Quakers*, do ſolemnly, ſincerely, and truly declare and affirm] 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, above Reprizes [*or, in the Caſe of an Heir Apparent*], 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, above Reprizes [*or, in caſe of Perſonal Eſtate*, 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 act in the Execution of the Powers and Truſts repoſed in me by an Act, paſſed in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of the Act.*] So help me GOD.'

No Perſon holding any Place of Profit under this Act ſhall be a Truſtee.

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

Meetings of Truſtees.

IX. And be it further enacted, That the ſaid Truſtees ſhall meet at ſome convenient Houſe in *Corbridge*, in the County of *Northumberland* aforeſaid, on the Day of the Commencement of this Act, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act, and ſhall then adjourn themſelves, and from Time to Time afterwards meet at, and again adjourn themſelves to ſuch Place near to the ſaid Road hereby directed to be repaired as they think proper; and if at any Meeting to be held by virtue of this Act there ſhall not appear a ſufficient Number of Truſtees, to adjourn to another Day (Two Truſtees being hereby declared to be ſufficient for the Purpoſe of Adjournment), or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, the Clerk or Clerks to the ſaid Truſtees ſhall from Time to Time, in either of ſuch Caſes, by Notice in Writing, to be inſerted in Manner aforeſaid, at leaſt Ten Days before the next Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was held, or was to have been held,

held, on such a Day as shall be specified in such Notice, not exceeding Three Calendar Months nor less than Three Weeks after the Day on which such last-mentioned Meeting was held or was to have been held as aforesaid; and in case the Clerk or Clerks to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for the said Trustees (although not assembled at a Meeting) at any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be inserted in Manner aforesaid, to appoint the Trustees to meet at some House near the said Road, upon the Day Fortnight after the Date of such last-mentioned Notice; but no Business shall be proceeded upon by the said Trustees at any Meeting to be held under this Act before the Hour of Ten in the Forenoon, and no Adjournment shall be made to or any Meeting appointed to be held at any Hour later than Four in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all the Meetings shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and no Order or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein, nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Seven Trustees shall be present, and unless the Person or Persons applying to have any such Order or Determination revoked or altered, shall give Notice thereof in Writing to the Clerk or Clerks to the said Trustees, and for want of such Clerk or Clerks, to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them inserted in Manner herein-before mentioned, at least Ten Days previous to the Meeting.

Trustees to pay their own Expences at all Meetings.

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 shall be appointed than the Day appointed by such Adjournment, in that Case the Clerk or Clerks to the said Trustees (upon an Order in Writing signed by Three or more of the acting Trustees,) though not assembled at a Meeting, mentioning the Time and Place, and Purpose of such intended Meeting, shall forthwith give Notice thereof in 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 Proceedings of the Trustees at every such Meeting shall be as valid and effectual as they would have been in case the same had been held in pursuance of Adjournment.

Meetings by Adjournment.

XI. And be it further enacted, That the said Trustees, at their first or other subsequent Meeting, as Occasion shall require, shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall become due and payable by virtue of this Act, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due and faithful Execution of his or their Office or Offices, as the said Trustees shall think fit; and also a Clerk or Clerks, Surveyor or Surveyors, and such other Officers as they the said Trustees

Appointment of Officers.

shall think proper, and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees shall see Occasion; and the said Trustees shall and may, out of the Money to be raised by virtue of this Act, make such Allowances unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, for and in Consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how and to whom, and for what Purpose, the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and shall verify the Accounts upon Oath (which Oath any One of the said Trustees is hereby empowered to administer); and all such Officers and Persons shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if the said Officers or Persons, or any of them, shall refuse or neglect to render and give such Account or Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof upon Oath, or to pay the Balance remaining in their Hands when thereunto required in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings, in their Custody or Power, relating to the Execution of this Act, then, and in every such Case, Complaint being made by the said Trustees, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing shall live or reside, such Justice may and is hereby authorized and required to issue a Summons under his Hand, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed

Officers to account.

appointed for that Purpose, (unless prevented by some reasonable Cause or Excuse, to be allowed as sufficient by such Justice), or if appearing shall refuse or neglect to give and deliver to the said Justice an Account or Accounts of Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or to deliver up all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County or Place where he or they shall live or reside, there to remain without Bail or Mainprize, until he or they shall have delivered and settled his or their Accounts, and have verified the same upon Oath, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his and their respective Hands, and the reasonable Charges of such Distress and Sale as shall in that Respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees are hereby empowered to make), or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Time than Six Calendar Months.

Officers under the late Act to account.

XII. Provided always, and be it further enacted, That all Persons who have been employed, or who have received any Tolls or other Money by virtue or on account of the said recited Act, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Road hereby directed to be repaired, shall account for the same and every Part thereof to the said Trustees, in like Manner, and under the like Penalties as the several other Officers and Persons are hereinbefore directed to account.

On Death or Neglect of Toll Collectors, Trustees to appoint others till next Meeting.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall grossly neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself, and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may 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 die or be discharged; and such 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 or be discharged would have had or would have been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Repre-

sentatives

sentatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building erected on the said Road hereby directed to be repaired, for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees, although not assembled at a Meeting, or by their Clerk or Clerks, Treasurer or Treasurers for the Time being, 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 or Place, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, 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 Two or more of them, or such new appointed Collector or Receiver, into Possession thereof.

Trustees not to vote for any Office of Trust, unless having acted within Twelve Months.

XIV. Provided also, and be it further enacted, That no Trustee shall be capable of voting upon a Vacancy of any Office or Place of Trust held under the said Trustees, unless such Person shall have attended and been present at some Meeting of the said Trustees, and have acted as a Trustee within the Space of Twelve Calendar Months next preceding such Vacancy.

Power to erect Toll Gates, &c.

XV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall direct or appoint, shall and may continue, or build and erect, or cause to be continued, built, and erected, such and so many Toll Gates or Turnpikes in, upon, or across, or on the Side or Sides of any Part or Parts of the said Road hereby directed to be repaired, or across any Lane, Road, or Way leading into or out of the same; and also a Toll House to each Gate or Turnpike, with Outbuildings suitable thereto, and also shall and may inclose such convenient Garden to each of the said Toll Houses as the said Trustees shall think fit; but no such Garden shall exceed a Rood in Quantity; and may cause any of such Toll Gates or Turnpikes, Toll Houses and Out-buildings, from Time to Time to be taken down, altered, or removed, as they shall judge proper.

To prevent Toll Gates being erected near Corbridge.

XVI. Provided always, That nothing herein contained shall authorize the said Trustees to build or erect any Toll Gate or Turnpike, in, upon, or across the said Road hereby directed to be repaired, or any Part or Parts thereof, nearer to the Village of *Corbridge* on the North Side thereof, than the present Toll Gate or Turnpike at *Stagshaw Bank*.

Toll Houses, &c. vested in Trustees.

XVII. And be it further enacted, That the Right, Interest, and Property of all the said Toll Houses, Turnpikes, and Gates, and of all Posts and Rails, Milestones, Stones for the building of Bridges, and all other Things whatsoever, erected or provided by virtue of the said recited Act, or which shall be erected or provided by virtue of this Act, and of the Materials for building and making the same respectively, and also all the Materials which shall be got or collected for repairing the said Road hereby directed to be repaired, shall be and are hereby vested in the said Trustees, and they shall and may use and sell, or otherwise dispose thereof, in such Manner (for the Purposes of this Act) as they shall think fit; and the said Trustees shall and may in their own Names, or in the Name of their Clerk

Clerk or Treaſurer, bring Actions, and prefer Bills of Indictment againſt or otherwiſe proſecute any Perſon or Perſons who ſhall ſteal, take away, break down, or damage any of the Toll Houſes, Turnpikes, Gates, Mile-ſtones, Bridges, Arches, Conduits, Poſts, or Rails, which have been or ſhall be built, erected, made, or provided, by virtue of the ſaid recited Act or this preſent Act, or any of the Materials herein-before mentioned; and in all ſuch Actions and Bills of Indictment reſpectively, it ſhall be and be deemed to be ſufficient to ſtate generally, that the Article or Articles, Thing or Things, for or in reſpect of which ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Truſtees for maintaining and repairing the Road leading from the North End of the Turnpike Road called *The Coal Road*, near *Weſt Auckland*, in the County of *Durham*, to the *Elſdon* Turnpike Road, at or near *Eliſhaw*, in the County of *Northumberland*, without particularly mentioning or ſpecifying the Name or Names of any of the ſaid Truſtees.

XVIII. And be it further enacted, That the following Tolls ſhall be demanded and taken at each and every of the Toll Gates or Turnpikes, or Side Gates, erected or to be erected by virtue of the ſaid recited Act or of this Act (except as herein-after is excepted) by ſuch Perſon or Perſons as the ſaid Truſtees ſhall from Time to Time appoint for that Purpoſe, before any Horſe, Beaſt, Cattle, or Carriage whatſoever, ſhall be permitted to paſs through the ſame; (that is to ſay) Tolls.

For every Coach, Chariot, Landau, Berlin, Chaiſe, Curricle, Phaeton, Calaſh, Chair, Hearſe, or other ſuch Carriage, drawn by Six Horſes or other Beaſts of Draught, the Sum of Three Shillings; and drawn by Four Horſes or other Beaſts of Draught, the Sum of Two Shillings and Six-pence; and drawn by Three Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Nine-pence; and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Eight-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 Sixpence *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 Three Shillings and Sixpence; and drawn by Four or Five Horſes, Oxen, or other Beaſts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Three Horſes, Oxen, or other Beaſts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horſes and Two Oxen, or other Beaſts of Draught, the Sum of One Shilling; and drawn by Two Horſes only, the Sum of Nine-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 Sixpence; 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 Nine-pence; and drawn by One Horſe, Ox, or other Beaſt of Draught, the Sum of Three-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; and for every the like Carriage drawn by Four or Five Horſes, the Sum of Two Shillings and Sixpence; and drawn by Four, Five, or Six Oxen only, the Sum of Two Shillings; and drawn by Three Horſes, the Sum of One Shilling and Sixpence; and drawn by Two Horſes and One Ox or Two Oxen, and One Horſe or Two Horſes only, the Sum of One Shilling; and drawn by One Horſe, the Sum of Sixpence:

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; and drawn by Four, Five, or Six Oxen only, the Sum of One Shilling and Sixpence; and drawn by Three Horſes, the Sum of One Shilling and Four-pence; and drawn by Two Horſes and One Ox, or Two Oxen and One Horſe, or Two Horſes only, the Sum of One Shilling; and drawn by One Horſe, the Sum of Sixpence.

For every Four-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth or Gauge than Six Inches, and 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 Four Shillings; and drawn by Four or Five Horſes, the Sum of Three Shillings; and drawn by Four, Five, or Six Oxen only, the Sum of Two Shillings; and drawn by Three Horſes, the Sum of Two Shillings; and drawn by Two Horſes and One Ox, or Two Oxen and One Horſe, the Sum of One Shilling and Nine-pence; and drawn by Two Horſes, the Sum of One Shilling and Six-pence; and drawn by One Horſe, the Sum of Nine-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 leſs Breadth or Gauge than 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 Four Shillings; and drawn by Four or Five Horſes, the Sum of Two Shillings and Sixpence; and drawn by Four, Five, or Six Oxen only, the Sum of Two Shillings; and drawn by Three Horſes, the Sum of One Shilling and Sixpence; and drawn by Two Horſes and One Ox, or Two Oxen and One Horſe, the Sum of One Shilling and Sixpence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence.

Double Tolls between the First Day of

XIX. And be it further enacted, That it ſhall and may be lawful to and for the reſpective Toll Gatherers and Collectors on the ſaid Road hereby directed

directed to be repaired, and they are hereby authorized and required, at any Time between the First Day of *November* and the First Day of *May* in each and every Year, to demand and take for every Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a leſs Breadth or Gauge than Six Inches, paſſing through any Toll Gate or Toll Gates erected or to be erected on the ſaid Road hereby directed to be repaired, or on the Sides thereof, double the Tolls or Sums of Money in and by this Act reſpectively authorized to be taken and made payable for every ſuch Waggon, Wain, Cart, or other Carriage, at any other Time of the Year; 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 and may be lawful for the ſaid Collector or 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, Sheep, Cattle, Beaſt, or Carriage, upon which any of the ſaid Tolls are by this Act impoſed, or any of the Loading, Harneſs, or Accoutrements thereof reſpectively, except that no Bridle ſhall be taken without the Horſe, and the Collector or Collectors ſo diſtraining ſhall and may, at his, her, or their Election, either detain and keep the Horſe, Sheep, Cattle, Beaſt, Carriage, or other Article ſo diſtrained, until ſuch Tolls with reaſonable Charges of ſuch Diſtreſs, Detention, and Keeping, 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, Sheep, Cattle, Beaſt, Carriage, Goods, 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.

November and the First Day of May.

Tolls veſted in Truſtees.

For Recovery of Tolls.

XX. And be it further enacted, That if any Diſpute ſhall happen about any Tolls due, or the Charges occaſioned by any Diſtreſs for the ſame, it ſhall be lawful for the Collector or Perſon diſtraining to retain ſuch Diſtreſs, or the Money ariſing from the Sale thereof, (as the Caſe ſhall happen) until the Quantity of the Tolls, and the Charges of the Diſtreſs and Sale, and of keeping the Diſtreſs (as the Caſe may happen) be aſcertained by ſome One Juſtice of the Peace for ſuch of the Counties of *Durham* and *Northumberland* as the Cauſe of Diſpute ſhall ariſe in, who, upon Application made to him for that Purpoſe, ſhall examine the Matter by Oath or Affirmation of the Parties, or of a Witneſs or Witneſſes, (which Oath or Affirmation the ſaid Juſtice is hereby authorized to adminiſter), and ſhall determine the Quantity of the Toll due, and alſo aſſeſs the Charges of ſuch Diſtreſs and Sale, and of the Collectors and Witneſſes Attendance upon the ſaid Juſtice; all which Sums ſo determined and aſſeſſed ſhall be paid to or retained by the ſaid Collector or Collectors before he or they ſhall be obliged to return the ſaid Diſtreſs, or the Overplus of the Money ariſing from the Sale thereof, or any Part thereof.

Diſputes reſpecting Tolls and Charges to be ſettled by a Juſtice of the Peace.

Collectors of Tolls to be competent Witneſſes.

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

Tolls to be paid Once only on the ſame Day.

XXII. And be it further enacted, That no Perſon or Perſons having paid the Tolls authorized to be taken by virtue of this Act, for paſſing with any Horſes, Cattle, Sheep, Beaſts, or Carriages whatſoever, through any Toll Gate or Turnpike erected or to be erected by virtue of the ſaid recited Act or of this Act, ſhall be ſubject to pay any further or other Toll for returning or repaſſing with the ſame Horſes, Cattle, Sheep, Beaſts, or Carriages, as often as he, ſhe, or they ſhall have Occaſion on the ſame Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) through the ſame Gate where ſuch Toll ſhall have been ſo paid, ſuch Perſon or Perſons producing a Ticket of the Day denoting ſuch Payment; which Ticket the Collectors of the ſaid Tolls are hereby required to give *gratis*, on Receipt of the Toll.

No more than Five Tolls to be taken at all the Gates on the ſame Day.

XXIII. Provided always, and be it enacted, That no more than Five Tolls ſhall be demanded or taken from any Perſon or Perſons, for paſſing and repaſſing the ſame Day with or driving the ſame Number of Horſes, Cattle, Sheep, or Beaſts, or with the ſame Sorts or Kinds of Carriages, through all the Toll Gates or Turnpikes erected or to be erected by virtue of the ſaid recited Act or of this Act; but that all and every Perſon and Perſons having paid the ſaid Five Tolls, and producing a Note or Ticket, Notes or Tickets (which Notes or Tickets the Collectors of the ſaid 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 Number of Horſes, Cattle, Sheep, or Beaſts, or with the ſame Sort or Kind of Carriages, Toll free, through all the Toll Gates or Turnpikes erected or to be erected upon the ſaid Road hereby directed to be repaired by virtue of the ſaid recited Act or of this Act.

Exemption from Tolls.

XXIV. And be it further enacted, That no Tolls ſhall be demanded or taken for any Horſe or other Beaſt or Carriage paſſing through any of the Turnpike Gates or Toll Bars erected or to be erected upon or on the Sides of the ſaid Road hereby directed to be repaired, carrying or conveying Stone, Bricks, Lime, Timber, Wood, Gravel, or other Materials, to be uſed in or about the ſame Road, or for the repairing any Highways in the Pariſhes, Townſhips, Diſtricts, or Places which are liable to perform Statute Duty upon any Part of the ſame Road, nor returning empty when ſo employed; nor carrying or conveying Hay, Corn in the Straw, or other Produce of the Lands lying within the ſaid Pariſhes, Townſhips, Diſtricts, or Places, to be laid up in the Houſes, Outhouſes, Barns, or Yards belonging to the Inhabitants of and ſituate within the ſaid Pariſhes, Townſhips, Diſtricts, or Places; nor going for nor returning empty when ſo employed; nor any Ploughs, Harrows, or other Implements of Huſbandry, to be uſed in the Cultivation of the ſaid Lands, nor any Manure to be conſumed thereupon (Lime and Limeſtones only excepted); nor going or returning empty when ſo employed; nor in carrying or conveying any

Corn

Corn or Grain, Flour or Meal not ſold or diſpoſed of, to or from any Corn Mill or Mills ſituated within any of the ſaid Pariſhes, Townſhips, Diſtricts, or Places; nor ſhall any Toll be paid by any Rector or officiating Miniſter of, or other Perſon or Perſons who ſhall paſs through the ſaid Turnpike Gates or Toll Bars to or from any Church, Chapel, or other Place of Religious Worſhip, or who ſhall attend the Funeral of any Perſon or Perſons who ſhall die and be buried in any of the ſaid Pariſhes, Townſhips, Diſtricts, or Places; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon any other his Parochial or Miniſterial Duty, on a *Sunday*, or on *Chriſtmas Day*, *Good Friday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; nor for any Horſes, Mares, Geldings, Mules, Aſſes, Cattle, Sheep, Lambs, Goats, or Hogs, which are to be kept within the ſaid Pariſhes, Townſhips, Diſtricts, or Places going to or returning from Paſture, the Commons, or other Grazing Grounds or Watering Places, or being ſhod, or in bringing Peat, Turf, or Heath from off the Moors, Heaths, or Commons belonging to the ſame, for the Uſe of the Inhabitants of the Pariſh, Townſhip, Diſtrict, or Place wherein ſuch Peat, Turf, or Heath ſhall be produced or grow; nor for any Horſes or Carriages, of whatſoever Deſcription, employed in conveying the Mails of Letters and Expreſſes, under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying, fetching, or guarding the ſame, or in returning back from conveying the ſame; or for the Horſes of Soldiers on the March or on Duty, or Carriages or Horſes or other Beaſts employed in carrying Arms or Baggage of ſuch 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; or for any Horſe, Mare, or Gelding furniſhed by or for any Perſon belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exerciſe, provided ſuch Perſons are in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; or for any Carriage, Horſe, or other Beaſt employed in the Conveyance of Vagrants travelling with legal Paſſes, or travelling with Vagrants ſent by legal Proceſs; or for any Horſe or Carriage going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the ſaid Counties of *Durham* and *Northumberland*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions in this Act contained, not being entitled thereto, every Perſon ſo offending, and being thereof convicted upon the Confeſſion of the Party accuſed, or on the Oath or Oaths of One or more Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace of and for the ſaid Counties of *Durham* and *Northumberland* (which Oath or Oaths ſuch Juſtice or Juſtices is and are hereby empowered to adminiſter) ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, One Moiety whereof ſhall be paid to the Informer or Informers upon whoſe Oath or Oaths the ſaid Offender or Offenders ſhall be convicted, to and for his, her, and their own Uſe and Uſes, and the other Moiety ſhall be paid to the Treaſurer to the ſaid Truſtees, and go and be applied in repairing and widening the ſaid Road.

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

XXV. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, 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 or the said recited Act contained to the contrary notwithstanding.

Penalty for Evasion of Tolls.

XXVI. And be it further enacted, That if any Person or Persons shall, with any Horse, Mare, Sheep, Cattle, Beast, or Carriage whatsoever, pass through any Land or Ground, not being the Owner or Occupier thereof, adjoining to or lying near any Toll Gate or Turnpike erected or to be erected by virtue of the said recited Act or of this Act (the same not being a common Public Highway), or if any Owner or Occupier of any such Land or Ground shall permit or suffer any Person or Persons with any Horse, Mare, Sheep, Cattle, Beast, or Carriage, to pass through the same Land or Ground, in order that 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 Collector 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 of the said Toll Gates or Turnpikes with any Horse, Mare, Sheep, Cattle, Beast, or Carriage, without Payment of the Toll authorized by this Act to be demanded and taken for the same, or shall take off or cause to be taken off any Horse, Mare, or other Cattle or Beast from any Waggon, Wain, Cart, or other Carriage, whereby the Payment of any of the said Tolls or of any Part thereof shall be evaded; or if any Person or Persons, after travelling along any Part of the said Road hereby directed to be repaired with any Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Beast, shall turn out of the same into any other Road, and afterwards proceed with such Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Beast, into and upon the said Road hereby directed to be repaired, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be evaded, every Person offending in all or any of the Cases aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on further Evasion of Tolls.

XXVII. And be it further enacted, That if any Lead, Goods, or other Thing shall be unloaded from any Horse, Cart, or Carriage, and laid down near to any Toll Gate or Turnpike erected or to be erected on the said Road hereby directed to be repaired, or upon or near to the Sides thereof, and afterwards be reloaded and led along the same Road, or any Part thereof, in order to avoid Payment of the Tolls by this Act imposed, or to avoid the Payment thereof, the Owner or Owners of such Carriages, or the Driver or Drivers thereof, shall forfeit and pay for the First Offence any Sum not exceeding Twenty Shillings, and for every subsequent Offence any Sum not exceeding Forty Shillings.

Power to compound for Tolls.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, as they ſhall ſee convenient, to compound and agree for any Time not exceeding One Year at any One Time, with all or any of the Inhabitants of the ſeveral Pariſhes or Townſhips through which the ſaid Road hereby directed to be repaired leads, for the Paſſage of their Horſes, Cattle, or Carriages through all or any of the Toll Gates or Turnpikes which ſhall be continued or erected upon the ſame Road, which Compoſition Money ſhall be paid in Advance, and in Default thereof the Compoſition or Agreement with the Perſon or Perſons making ſuch Default ſhall from thenceforth be void; and ſuch Compoſition Money ſhall be paid and applied in ſuch Manner as the Tolls are hereby directed to be paid and applied.

Power to leaſe Tolls.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered, at any Meeting, upon Twenty-one Days Notice in Writing, ſigned by the Clerk to the ſaid Truſtees, being affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Road, from Time to Time to leaſe and demiſe the Tolls granted by this Act, or any Part or Parts thereof, for any Term of Years not exceeding Three Years at a Time, for the beſt Price that can be gotten for the ſame, payable at ſuch Times and under ſuch Covenants as the ſaid Truſtees 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 any ſuch Tolls ſhall be leaſed or demiſed, for Payment of the Rents and Performance of the Covenants to be reſerved and comprized in ſuch Leaſe or Leaſes, as the ſaid Truſtees ſhall think fit.

Leſſees, or Perſons appointed by them, may collect the Tolls.

XXX. And be it further enacted, That during ſuch Times as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed or in Farm to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers, or ſuch other Perſon or Perſons as he, ſhe, or they ſhall, by Writing or Writings under his, her, or their Hand or Hands authorize or appoint, to demand and take the ſaid Tolls ſo leaſed or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes whatſoever, as any Collector or Collectors of the ſaid Tolls appointed by the ſaid Truſtees is and are hereby authorized and empowered to demand, take, and receive the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Truſtees may reduce Tolls with Conſent of Creditors.

XXXI. And be it further enacted, That the ſaid Truſtees 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 then entitled to Five-ſixth Parts of the Money then due on the Security of the ſaid Tolls; but no ſuch Reduction or ſubſequent Advance ſhall be made unleſs at a Meeting to be holden for that Purpoſe, of which Meeting Twenty-one Days Notice

Notice in Writing, ſigned by the Clerk to the ſaid Truſtees, ſhall be affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Road.

Compelling Subſcription Money to be paid.

XXXII. And be it further enacted, That if the ſeveral Perſons who have become Subſcribers or who ſhall become Subſcribers towards the Expences of obtaining and paſſing this Act, and carrying the ſame into Execution, or any of them, ſhall, after Twenty Days previous Notice in Writing, under the Hand of the Treaſurer or Clerk of the ſaid Road hereby directed to be repaired, for that Purpoſe to him, her, or them given or left at his, her, or their Dwelling Houſe or uſual Place 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 to bring or cauſe to be brought any Action of Debt or on the Caſe, Bill, Plaint, or Suit, againſt any Perſon or Perſons ſo refuſing or neglecting as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, in any of His Majeſty's Courts of Record at *Weſtminſter*, for Recovery thereof, wherein no Eſſoign, Protection, or Wager at Law, nor more than One Imparlance ſhall be allowed; and on Proof of ſuch Perſon or Perſons having ſo ſubſcribed or agreed to ſubſcribe, and of ſuch Notice being given as aforeſaid, ſuch reſpective Sum or Sums ſo ſubſcribed or agreed to be ſubſcribed, or ſo much thereof as ſhall be required to be paid in ſuch Notice, ſhall be recovered with full Coſts of Suit.

Power to borrow Money.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered from Time to Time to borrow and take up at Intereſt, upon the Credit of the Tolls to ariſe by virtue of this Act, any Sum or Sums of Money they ſhall think neceſſary for the Purpoſes of this Act, and by any Writing or Writings under their Hands and Seals, to aſſign over the Tolls ariſing by virtue of this Act, or any Part or Parts thereof, to the Perſon or Perſons who ſhall lend and advance the ſame, his, her, or their Truſtee or Truſtees, (the Coſts and Charges of aſſigning the ſame to be borne and paid out of the ſaid Tolls), during the Continuance of this Act, as a Security for the Sum or Sums of Money which ſhall be ſo lent and advanced, with ſuch Intereſt as ſhall be agreed upon for the ſame; which Aſſignment and Security 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 Fifty-third Year of the Reign of His Majeſty King *George* the Third, 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 hereby directed to be repaired, do hereby grant, bargain, ſell, and aſſign, unto the ſaid *A. B.*, his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls to ariſe upon the ſame Road, and of the Turnpikes and Toll Houſes already or hereafter to be erected for collecting 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 Credit 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

‘ the Rate of *per Centum per Annum*, ſhall be ſooner repaid
‘ or ſatisfied. Given under our reſpective Hands and Seals, the
‘ Day of , in the Year of our Lord One thouſand eight hun-
‘ dred .’

But no Money ſhall be borrowed by the ſaid Truſtees on the Credit of the Tolls hereby granted, after their Firſt Meeting, unleſs Notice be for that Purpoſe fixed in Writing, under the Hand of the Clerk to the ſaid Truſtees, upon all the Toll Gates or Turnpikes which ſhall be then erected upon the ſame Road, and alſo advertiſed in one or more of the *Newcaſtle* Newſpapers, at leaſt Fourteen Days before the borrowing ſuch Money.

Mortgages, &c. to be entered in a Book.

XXXIV. And be it further enacted, That all and every the Aſſignment and Aſſignments to be made by the ſaid Truſtees as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees; which ſaid Book or Books ſhall and may be ſeen and peruſed at all ſeaſonable Times, without Fee or Reward.

Transfer of Mortgages.

XXXV. And be it further enacted, That all and every Perſon and Perſons to whom any Aſſignment or Aſſignments ſhall have been made by virtue of the ſaid recited Act of the Thirty-ſecond Year of the Reign of His Majeſty King *George* the Third, or to whom any Aſſignment ſhall be made by virtue of this Act, or who ſhall be entitled to the Money ſecured by the ſaid Acts or either of them, ſhall and may from Time to Time, by any Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, aſſign or tranſfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any Perſon or Perſons whomſoever; which Aſſignment or Transfer may be made in the Form following, or in any Words to the like Effect; (that is to ſay),

Form of Transfer.

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

Which Transfer ſhall be produced and notified to the ſaid Clerk and Treaſurer within Three Calendar Months next after the Day of the Date thereof, who ſhall enter the ſame in the ſaid Book or Books to be kept for entering the original Mortgages, for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of Five Shillings 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 has been or shall be made as aforesaid, shall, in Proportion to the Sum or Sums of Money thereby secured, be Creditor on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses, 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 has been or shall hereafter be borrowed as aforesaid, they shall ascertain the Securities to be first paid off, by Ballot, in such Manner as they shall think proper.

Monies raised to be applied for the Purposes of the Act,

XXXVI. 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, 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) in the First Place, in Payment of all the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act; in the Second Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same; and of altering, raising, widening, repairing, and preserving the said Road hereby directed to be repaired; and of erecting and making necessary and convenient Bridges and Arches upon the same, and of executing the other Purposes of this Act; in the Third Place, in paying the Interest accruing upon the several Principal Sums of Money which now remain due and secured by virtue of and under the said recited Act, or which shall hereafter from Time to Time be secured in pursuance of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been secured by the said recited Act, and all such Principal Sums of Money as shall be secured in pursuance of the present Act.

For getting Materials to repair the Road.

XXXVII. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take and carry away any Furze, Heath, Stones, Sand, Gravel, and other Materials, proper or convenient for repairing the said Road hereby directed to be repaired, and for building and repairing Toll Houses, Bridges, Conduits, and Walls upon the same, or on the Sides thereof, out of any Commons or Waste Lands, or Common, River, or Brook, (not being within the Distance of Thirty Yards from any Bridge, Drain, Weir, or Jetty), in any Parish, Township, or Place, within which the same Road, or any Part or Parts thereof respectively do lie; and for want of sufficient Quantities of such Furze, Heath, Stones, Sand, Gravel, or other Materials, in the Places last described, then to dig, take and carry away, the like Materials out of any Commons or Waste Lands, or Common River or Brook, (not being within the like Distance from any Bridge, Drain, Weir, 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 and 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 Damage done and occaſioned thereby, as the ſaid Truſtees ſhall think fit and reaſonable; and in caſe the ſaid Truſtees ſhall be of Opinion that ſuch Materials cannot conveniently be gotten from ſuch Commons, Waſtes, Rivers, and Brooks as aforeſaid, on account of the Diſtance thereof from the ſaid Road hereby directed to be repaired, or for any other reaſonable Cauſe, that then it ſhall be lawful for ſuch Surveyor or Surveyors, by order of the ſaid Truſtees, to dig for and take away the like Materials out of the private Grounds of any Perſon or Perſons (not being an Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to any Houſe, or incloſed Ground planted, ſet apart, or uſed as a Plantation or Nurſery for Trees), where ſuch Materials are and may be found; and from Time to Time to carry away ſuch and ſo much of the ſaid Materials reſpectively, as the ſaid Surveyor or Surveyors ſhall judge neceſſary for repairing and amending the ſame Road, or erecting, making, or repairing any ſuch Buildings, Bridges, Conduits, or Walls reſpectively, as aforeſaid; paying ſuch Recompence for the Damage done to the Owners and Occupiers of the reſpective Grounds where through and from whence the ſame ſhall be dug and carried away, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between ſuch Owners and Occupiers, or any of them, and the ſaid Truſtees, touching any of the Damages aforeſaid, the Juſtices of the Peace for the County wherein the Lands lie from which ſuch Materials ſhall be taken, or over or through which the ſame ſhall be led or carried, at their General Quarter Seſſions of the Peace to be holden in and for the ſame County, next after ſuch Difference, 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.

Not to take Materials from incloſed Lands until Notice.

XXXVIII. 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 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 the ſaid Truſtees, or 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, the ſaid Truſtees, or 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 Truſtees or 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, the ſaid Truſtees, or ſuch Juſtice or Juſtices, ſhall and may make ſuch Order therein as he or they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch reſpective Owners or Occupiers had attended in Manner aforeſaid.

XXXIX. And

Penalty on taking away Materials got by order of the Surveyor.

XXXIX. And be it further enacted, That if any Perſon whoſoever ſhall take or carry away any Materials which ſhall have been dug, gathered or wrought, for the Purpoſe of making, completing or amending the ſaid Road hereby directed to be repaired, or for any other the Purpoſes of this Act; 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 ſame Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Six Calendar Months (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.

Surveyors, &c. to remove Nuiſances, &c.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, from Time to Time to remove and prevent all Nuiſances and Annoyances on any Part or Parts of the ſaid Road hereby directed to be repaired, by Timber, Stone, Carriages, Sawpits or other Pits, Aſhes, Dung, Filth, Rubbiſh or otherwiſe, and to turn any Watercourſes, Gutters, Conduits or Drains running into the ſame Road, to the Prejudice thereof; and to open, ſcour and cleanſe, deepen and enlarge any Gutter, Ditch, Conduit or Watercourſe adjoining to the ſame Road, or any Part or Parts thereof reſpectively; and alſo to cut down, top or lop any Trees, Branches or Buſhes growing in the Hedges, Fences, or Grounds adjoining thereto at proper Seaſons of the Year (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 the Space of Ten 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) ſhall be reimburſed to the ſaid Surveyor or Surveyors, by ſuch reſpective Owners or Occupiers neglecting to cut down ſuch Trees, Branches or Buſhes, or by the Perſon or Perſons occaſioning, 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 hereinafter 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 Five Pounds.

Surveyors to make Drains, &c.

XLI. 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, to make Cauſeways in or along the Sides of the ſaid Road hereby directed to be repaired; and to cut and make Drains or Watercourſes upon and through any Grounds lying contiguous to the ſame Road, and to erect and keep in repair Bridges and Arches thereupon; and alſo to make Ditches and Trenches in ſuch Places and in ſuch Manner as ſuch Surveyor or Surveyors, or other Perſon or Perſons, ſhall adjudge neceſſary; and alſo to make ſufficient Fenders, Barriers, and other Erections on any Part or Parts of the ſame Road, in order to prevent any River or Current of Water from flooding the ſame, as ſuch Surveyor or Surveyors, or other Perſon or Perſons ſhall judge neceſſary; and alſo to make or cauſe to be made any temporary Road or Roads through,

through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Road hereby directed to be repaired (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 while 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 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, on Ten Days Notice being given by either Party to the other in Writing for that Purpoſe.

Truſtees may divert and widen Road, &c.

XLII. And be it further enacted, That the ſaid Truſtees ſhall have full Power and Authority from Time to Time to widen the ſaid Road hereby directed to be repaired, and to divert, turn or alter the Courſe or Direction of any Part or Parts thereof reſpectively, through or over any Moor or Waſte Grounds, without making any Satisfaction for the ſame; and alſo through or over any private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damage they may thereby ſuſtain; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract and agree with the Owners of and Perſons intereſted in any Meſſuages, Private Grounds, Tenements 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 ſame Road; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians or other Truſtees whatſoever, for or on Behalf of any Infant, Feme Covert, Ceſtuique Truſt, and for all and every Perſon or Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Meſſuages, Lands, Tenements, or Hereditaments, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell to them all or any of ſuch Meſſuages, Lands, Tenements or Hereditaments, as occaſion ſhall be or require; and all Contracts and Sales ſo made ſhall, without any Fine or Fines, Common Recovery or Common Recoveries, or any other Conveyance or Aſſurance, be valid and effectual in the Law to all Intents and Purpoſes, any Law, Statute or 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 or Adminiſtrators, Guardians and Truſtees, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue of or in purſuance of this Act; and if any ſuch Owner, Proprietor or Occupier, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Truſtees, or any Perſon or Perſons intereſted in any ſuch Meſſuages, Lands, Tenements 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 or Corporate

and may contract for the Purchaſe of Land.

Bodies Corporate, &c. empowered to ſell Lands.

If any Perſon refuſe to treat.

porate or Collegiate, Corporations Aggregate or Sole, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments ſo to be taken in and added to any Part of the ſaid Road hereby directed to be repaired, or into which any Part or Parts of ſuch Road are or is to be turned or altered, ſhall, by the Space of Ten Days after ſuch Notice given or to be left as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe it to be inquired into and aſcertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County wherein ſuch Meſſuages, Lands, Tenements, or Hereditaments in queſtion do lie, (which Oaths any one or more of the ſaid Truſtees is and are hereby empowered and required to adminiſter), what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Occupiers, Proprietors, or other Perſon or Perſons intereſted for or on account of the taking of ſuch Meſſuages, Lands, Tenements, or Hereditaments into the ſame Road, or turning any Part or Parts of ſuch Road into the ſame Meſſuages, Lands, Tenements, or Hereditaments; and in order thereto, the ſaid Truſtees are hereby empowered and required, from Time to Time, as Occaſion ſhall be or require, to ſummon and call before the ſaid Jury, and examine upon Oath, all and every Perſon and Perſons whomſoever who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes (which Oath any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the Places in queſtion, if there be Occaſion, and uſe all lawful Ways and Means, as well for their own as the Jury's better Information in the Premiſes, as the ſaid Truſtees ſhall think fit; and after the ſaid Jury ſhall have inquired of, aſcertained and ſettled ſuch Damage and Recompence, the ſaid Truſtees ſhall thereupon order and adjudge the 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, Intereſt, and Property, of, in, to, or out of the ſame; and for the ſummoning or returning ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County wherein the Lands, Grounds, or Hereditaments in queſtion as aforeſaid do lie, thereby commanding and requiring him to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons to appear before the ſaid Truſtees, at ſuch Time and Place, and within ſuch County as in ſuch Warrant ſhall be appointed, and the ſaid Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon,

Jury to be ſummoned.

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 one or more of them, ſhall ſwear or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured, to attend that Service, to the Number of Twelve; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn, but ſhall not challenge the Array; and the ſaid Truſtees acting in the Premiſes ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines on ſuch Sheriff or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give or not give his 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 Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence; and from Time to Time to levy and apply ſuch Fine or Fines in the ſame Manner as other Penalties, Forfeitures, and 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, nor the Sum of Forty Shillings upon any other Perſon, for any one Offence.

Juries may be challenged.

Sheriffs, &c. may be fined for Neglect of Duty.

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

By whom the Expences of the Jury to be paid.

Payment

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 of Money so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by such Ways and Means as are herein-after provided for the Recovery of Penalties, Forfeitures, and Fines.

Persons prevented by Absence from treating, to pay One-half of Costs.

XLIV. 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, the Whole of such Costs and Expences shall be paid by the said Trustees in Manner aforesaid.

On tender of Monies, Trustees to take Possession of Land.

XLV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the said Tolls, or out of the Monies borrowed on the Credit thereof, to the Parties or Persons respectively entitled thereto, or to their Agents, or deposited in the Bank of *England*, as the Case may require, in Manner herein-after mentioned; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer of the said Trustees, for the Use of such Parties or Persons, 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 hereby directed to be repaired, in such Manner as the said Trustees shall direct, and shall be by them, or by such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall from thenceforth, to all Intents and Purposes whatsoever, become, and be and be deemed and taken to be a Common Highway, and Part of the same Road, and shall and may be repaired and kept in Repair in such Manner as the said Road hereby directed to be made and repaired, is by this Act to be made and repaired; and after such new Road shall be completed, the Lands constituting such former Road, or any Part thereof, unless leading over some Moor, Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall and may be sold and conveyed by the said Trustees, for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied to the Purposes of this Act; and the said Trustees are hereby empowered to give in Exchange any Part or Parts of the Lands constituting such former Road, 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, and inrolled in the Office of the Clerk of the Peace for the County wherein the Roads in question do lie, shall be good and effectual in Law to all Intents and Purposes whatsoever: Provided always, that this Act shall not extend to or authorize the taking down of any Dwelling Houses, or other Buildings, or to the taking in of any Garden, Orchard, Yard, Park, planted Walk, or Avenue to any House or Plantation, or Nursery of Trees, without the Consent in Writing of the Owners or Proprietors thereof.

Houses, &c. not to be taken down without Consent of Owners.

Owners of Land used in making a new

XLVI. Provided always, and be it enacted, That wherever the Course of any Part of the said Road hereby directed to be repaired, shall be altered by this Act, and a new Road opened and made in and upon the adjoining

joining Land, the Offer of the Purchaſe of ſuch old Road ſhall be made to the Owner of ſuch adjoining Land which ſhall be cut and uſed for the Purpoſe of making ſuch new Road; and in caſe ſuch Owner ſhall be deſirous of becoming the Purchaſer of ſuch old Road, and cannot agree with the ſaid Truſtees for the Price to be paid for the Purchaſe of the ſame, and ſuch Owner ſhall be ſtill deſirous of becoming the Purchaſer thereof, then and in ſuch Caſe the Value thereof ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as the Price of any Land to be taken in purſuance of this Act, is directed to be ſettled and aſcertained in and by this Act, and ſuch Owner ſhall be deemed the Purchaſer thereof, at the Sum to be aſcertained by the Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money, upon Demand made thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees, by Action in any of His Majeſty's Courts of Record at *Weſtminſter*; and in caſe ſuch Owner ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons (not intereſted in the Premiſes) to make an Affidavit, to be ſworn before a Maſter of the High Court of Chancery, or before one of His Majeſty's Juſtices of the Peace for the County, Town, or Place where ſuch old Road ſhall lie, ſtating that ſuch Offer had been made by or on behalf of the ſaid Truſtees, or that ſuch Owner had not agreed, or had refuſed to purchaſe ſuch old Road, (as the Caſe may be); and ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to or refuſed by ſuch Owner: Provided nevertheleſs, that if the Lands of Two or more Perſons ſhall be taken for any ſuch new Road as aforeſaid, each and every ſuch Owner ſhall be entitled to the firſt Offer of ſo much of the old Road as is lying immediately adjoining to his, her, or their Land reſpectively, in Manner aforeſaid: Provided alſo, that if ſuch Owner or Owners reſpectively ſhall be willing and conſent to take ſuch old Road in exchange for ſuch new Road, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby required to aſſure the ſame to ſuch Perſon or Perſons by entering the ſame in their Books, and delivering to him or them a Copy of the Entry thereof, ſigned by any Five or more of the ſaid Truſtees; which Copy ſhall be a good and valid Title to the ſame, and be available in any Suit in Law or Equity.

Road, to have the firſt Offer of the old Road.

XLVII. And be it further enacted, That if any Money ſhall be paid or agreed or awarded to be paid for the Purchaſe of any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Body Politic, Corporate or Collegiate, or to any Feoffee in Truſt, Executor, Adminiſtrator, Huſband, Guardian, Committee, or other Truſtee for and on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Ceſtuique Truſt; or to any Perſon whoſe Lands, Tenements, or Hereditaments, are limited in ſtrict or other Settlement; or to any Perſon under any Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall 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 there *ex parte* "The Truſtees for executing this Act;" to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be pre-

Application of Compenſation Money if amounting to 200l.

ferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, ſtanding ſettled therewith 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 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 Lands, Tenements, or 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, upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſols, 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, or Hereditaments to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

If leſs than 200l. and exceeding 20l,

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

XLIX. Provided

If less than 20l.

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

In case of not making out Titles; or if Persons cannot be found, Purchase Monies to be paid into the Bank;

L. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of 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 such Person or Persons to whom such Sum or Sums of Money shall be so awarded 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 and may be lawful to and for the said Trustees to order the said Sum or Sums of Money so awarded 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 Court of Chancery; which said Court of Chancery, 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof on 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 of such Sum or Sums for Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

Where any Question shall arise about Title to Money to be paid, the Person in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according

LI. 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 the Dividends or Interest of any of such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully

to ſuch Poſſeſſion only.

fully 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 of Chancery may order reaſonable Expences of Purchaſes to be paid by the Truſtees.

LII. 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 Court of Chancery, 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 and may be lawful to and for the ſaid Court of Chancery 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, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees to make proper Fences where they ſhall widen Roads, &c.

LIII. 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 hereby directed to be repaired, or make any new Roads 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 Roads, and alſo proper Gates, Bridges, and Arches, where neceſſary, out of or upon or under the ſaid Roads 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 of ſuch Quickſet Fences being made or planted.

Roads and Bridges, &c. to be repaired as formerly.

LIV. And be it further enacted, That where any particular Part or Parts of the ſaid Road hereby directed to be repaired, or any of the Bridges, Arches, Drains, or Sewers lying in and upon the ſame 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 otherwiſe, 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 hereby directed to be repaired, and all ſuch Bridges, Arches, Drains, and Sewers ſhall from Time to Time, and at all Times hereafter, be maintained and kept in Repair by ſuch Perſon or Perſons, Bodies Politic and Corporate, Counties, Wards, Pariſhes, or Townſhips reſpectively.

Juſtices to determine what Proportion of Statute Duty

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 Road hereby directed to be repaired, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore;

tofore; 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 Road hereby directed to be repaired, by the Inhabitants of the reſpective Pariſhes or Places in which the ſame does 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 Road 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 Road 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 Road, 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

ſhould be done by the ſeveral Perſons.

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 Road; all which Forfeitures ſhall be paid to the ſaid Truſtees or to their Treaſurer, and ſhall be applied towards amending the ſaid Road 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 Forty Shillings.

Truſtees may compound for Statute Duty.

LVI. And be it enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered to compound or agree, by the Year or otherwiſe, with the Poſſeſſors, Occupiers, Grantees, Truſtees, Feoffees and Committees of Lands, Tenements or Hereditaments, which are or ſhall be liable to or chargeable with the Repair of any Part of the ſaid Road hereby directed to be repaired, 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 ſame Road ſhall lead, to compound and agree, by the Year or otherwiſe, with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part of the ſame Road; all which Compoſition Monies aforeſaid ſhall from Time to Time be paid in Advance, and ſhall be applied in Repair of the ſame Road; and all ſuch Surveyors ſhall be reimburſed the Monies by them paid in ſuch Manner as herein-after mentioned.

Recovery of Compoſition Money.

LVII. Provided always, and be it further enacted, That in caſe any Compoſition Money agreed to be paid for or in lieu of any Statute or Days Work of the Inhabitants of any Pariſh, Townſhip or Place, wherein the ſaid Road hereby directed to be repaired does lie, or in reſpect of any Lands, Tenements or Hereditaments liable or chargeable by Tenure or otherwiſe as aforeſaid, ſhall not be paid within Fifteen 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 One or more Juſtice or Juſtices of the Peace for the 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 to receive ſuch Compoſition Money (Oath having been firſt made that the ſame hath been demanded and remains unpaid, which Oath the ſaid Truſtees, or any One 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 Work, or for any Lands, Tenements or Hereditaments liable or chargeable by Tenure or otherwiſe as aforeſaid, or of the Surveyor or Surveyors of the Highways for the Time being, of ſuch Pariſh, Townſhip or Hamlet, in reſpect of whoſe Statute or Days Work 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.

LVIII. Provided

If Surveyors ſhall pay Compoſition Money, the ſame to be reimburſed to them.

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

Penalty for aſſaulting Collectors, &c.

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, or the Turnpike Surveyor or Surveyors, or any Perſon or Perſons employed by them, or any of them, or by the ſaid Truſtees, in the Execution of any Part of this Act, every ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit and pay a Sum not exceeding Five Pounds.

Mileſtones to be erected.

LX. And be it further enacted, That the ſaid Truſtees ſhall be and are hereby empowered and required to cauſe the ſaid Road hereby directed to be repaired to be meaſured, and Mileſtones 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 let out of or into the ſaid Road hereby directed to be repaired reſpectively, with Inſcriptions thereon, denoting to what Place or Places ſuch other Roads reſpectively do lead, as they 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 raſe, obliterate or deface any of the Inſcriptions or Letters which ſhall be engraved 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, &c. on Road.

LXI. 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 hereby directed to be repaired (excepting only croſſing the ſame) any Tree or Piece of Timber, or any Stone, otherwiſe than upon a wheeled Carriage, 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 ſame Road, every ſuch Perſon ſhall for every ſuch Offence forfeit not exceeding Forty Shillings.

Power to ſeize Perſons offending againſt the Act.

LXII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Collectors, Surveyors or other Officers appointed to put this Act into 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 they or any of them ſhall call to their or any of 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 thereof in Manner by this Act directed.

Recovery of Fines and Forfeitures.

LXIII. 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* and *Northumberland* reſpectively, wherein ſuch Offence or 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 (if any) 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 and levied (if not directed to be otherwiſe applied by this Act) ſhall from Time to Time be paid to the ſaid Truſtees, or to their Treaſurer for the Time being, and ſhall be laid out and applied in putting this Act in Execution; and in caſe ſufficient Diſtreſs ſhall not be found, and ſuch Penalties, Forfeitures and Fines ſhall not be forthwith paid, it ſhall be lawful for ſuch 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 ſaid County wherein ſuch Offence or Offences ſhall be committed, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unleſs ſuch Penalties, Forfeitures and Fines, and all reaſonable Charges, ſhall be ſooner paid and ſatisfied.

LXIV. And, for the more eaſy Conviction of Offenders againſt this Act, be it further enacted, That all and every the 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, or in any other Form of Words to the like Effect, as the Caſe ſhall happen, and ſhall not be obliged to ſet forth the Evidence at Length:

Form of Conviction.

'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
' County of [*here ſpecify the Offence, and when and where*
' *committed*] contrary to the Form of the Statute made in the Fifty-third
' Year of His preſent Majeſty King *George* the Third, intituled [*here ſet*
' *forth the Title of this Act*] and I [*or*, we] do therefore declare and ad-
' judge, that the ſaid *A. B.* hath forfeited for his ſaid Offence the Sum of

'[*or*, shall be committed to for the
'Space of . Given under my Hand and Seal [*or*, our
'Hands and Seals,] the Day and Year first above written.'

Appeal. LXV. 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 Messuages, Lands, or Tenements, in turning, altering, widening, or making any Part or Parts of the said Road hereby directed to be repaired as herein-before is directed, and any other Matter or Thing herein declared or directed to be conclusive, and for which no particular Relief hath been herein-before appointed), such Person or Persons may, within Six Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace for the Counties of *Durham* and *Northumberland* respectively, in which such 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, and abide the Order of and pay such Costs as shall be awarded against him, her, or them, by the Justices at such Quarter Sessions; and the said Justices, at their said respective Sessions, on due Proof being given of such Notice as aforesaid, and of the entering into such Recognizance, shall proceed to hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall respectively think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Distress not unlawful for want of Form; nor the Party deemed a Trespasser. ab initio.

LXVI. 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 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 any such Irregularity may recover full Satisfaction for the special Damages in an Action on the Case.

Proceedings not to be quashed for want of Form or removeable by Certiorari.

LXVII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter 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.

All Proceedings of the Truſtees to be entered in a Book.

LXVIII. 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 Number of the ſaid Truſtees as are in and by this Act empowered to make or direct ſuch Orders and Proceedings reſpectively, and ſhall be deemed and taken to be original Orders; which ſaid Book or Books, and alſo the 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.

Truſtees to be ſued in the Name of their Clerk.

LXIX. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Clerk 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, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk, or by the Act of any ſuch Clerk, without the Conſent of the ſaid Truſtees; but that the Clerk 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 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.

Clerk in whoſe Name Actions are brought, to be reimburſed his Expences.

Plaintiff not to recover after tender of ſufficient Amends.

LXX. And be it further enacted, That no Plaintiff ſhall recover in any Action for any Irregularity, Treſpaſs, or wrongful Proceedings committed in carrying the Truſts of this Act into Execution, or in any Matter or Thing concerning or relating to the ſame, if Tender of ſufficient Amends ſhall be made by or on Behalf of the Party who ſhall have committed or cauſed to be committed any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant in any ſuch Action, with Leave of the Court wherein ſuch Action ſhall be depending, at any Time before Iſſue joined, to pay into Court ſuch Sum or Sums of Money as he ſhall ſee fit, whereupon ſuch Proceedings or Orders and Judgment ſhall be had and given in and by ſuch Court, as in other Actions when the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXI. 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 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 after the Fact committed; and every ſuch Action or Suit ſhall be laid or brought in the Counties of *Durham* or *Northumberland* reſpectively, wherein the Cauſe thereof did ariſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action ſhall or may, at his or their Election, plead ſpecially or the General Iſſue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon,

upon, 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 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 Counties of *Durham* or *Northumberland* reſpectively, then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict or Verdicts, and 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 any Caſe by Law.

Coſts of Act.

LXXII. And be it further enacted, That the Expences, Coſts, and Charges which ſhall attend the ſoliciting, obtaining, and paſſing of this Act, and incurred preparatory thereto, ſhall be paid and defrayed out of any Money now in the Hands of the Treaſurer of the ſaid Truſtees, or out of the Firſt Monies which ſhall ariſe or be received from the Tolls to be taken or otherwiſe, by virtue of the ſaid recited Act and this Act, or either of them.

Public Act.

LXXIII. 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.

Extenſion of Term.

LXXIV. And be it further enacted, That this Act ſhall commence upon the Firſt Day of *May* next after the paſſing thereof, and ſhall continue in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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