



ANNO TRICESIMO NONO

GEORGI III. REGIS.

Cap. 43.

An Act for more effectually repairing and amending the Road leading from *Long Horseley Bar or Gate*, on the Post Road near the Town of *Morpeth*, by or through *Long Horseley*, *Weldon Bridge*, and *Whittingham*, to the River *Breamish*, and from thence to *Piercy's Cross*, in the County of *Northumberland*, to continue in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. [13th June 1799.]

WHEREAS an Act was passed in the Twenty-fifth Year of the Preamble:
Reign of His late Majesty King *George* the Second, for repairing the Road leading from *Long Horseley Bar or Gate* on the Post Road, near the Town of *Morpeth*, by or through *Long Horseley*, *Weldon Bridge*, and *Whittingham*, to the River *Breamish*, and from thence to *Piercy's Cross*, in the County of *Northumberland*; which Act was to have Continuance from the Twenty-fifth Day of *March* One thousand seven hundred and fifty-two, for Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas another Act was passed in the Eighteenth Year of the Reign of His present Majesty, whereby the said Act was amended and further continued from the Expiration of the said Term, and of the additional Term granted by an Act passed in the Twenty-eighth Year of the Reign of His said late Majesty, relating to the Publick Highways and Turnpike Roads of this Kingdom, for the further Term of Twenty-one Years, and from thence
[*Loc. & Per.*] 6 L to

to the End of the then next Session of Parliament: And whereas the Trustees for the Care of the said Road have proceeded to put the said Acts in Execution, and have borrowed a considerable Sum of Money on the Credit of the Tolls thereby granted, which, together with the Tolls collected upon the said Road, have been applied agreeable to the Directions of the said Acts; but the said Road cannot be effectually repaired, and the Money now due and owing on the Credit of the said Acts repaid, unless the Tolls granted by the said Acts are increased, and the Term and Powers thereof enlarged: And whereas the Powers and Authorities necessary for repairing the said Road might be more conveniently executed if the said Acts of the Twenty-fifth Year of His late Majesty, and the Eighteenth Year of His present Majesty, were repealed, and the necessary Provisions for the same comprized in one Act of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the Twenty-fourth Day of *June* One thousand seven hundred and ninety-nine, the said recited Acts of the Twenty-fifth Year of the Reign of His late Majesty, and the Eighteenth Year of the Reign of His present Majesty, shall be, and the same are hereby repealed, and instead thereof this Act shall commence and be executed, for and during the Term herein-after mentioned, instead of the several Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Matters, and Things, which are contained in the said former Acts of the Twenty-fifth Year of the Reign of His said late Majesty King *George* the Second, and the Eighteenth Year of the Reign of His present Majesty King *George* the Third, this present Act of Parliament, and the several Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Punishments, Exemptions, Matters, and Things, herein contained, shall take Effect, and be put in Execution, for and during the Term herein-after mentioned, for the Purpose of repairing, widening, and keeping in Repair, the said Road leading from *Long Horseley* Bar or Gate, on the Post Road near the Town of *Morpeth*, by or through *Long Horseley*, *Weldon Bridge*, and *Whittingham*, to the River *Breamish*, and from thence to *Piercy's Cross*, in the County of *Northumberland*, and for the several other Purposes herein mentioned, according to the true Intent and Meaning of this Act.

Term of former Acts further continued for Twenty-one Years.

This Act to be put in Execution instead of the former Acts.

The Tolls granted by this Act to be Security for the former Debts, and all Interest due thereon.

II. And be it further enacted and declared, That this Act, and the several Tolls herein-after granted and made payable, shall, for and during the Term hereby granted, be and remain subject and liable to the Payment of all Sums of Money due and owing upon the Credit of the said former Acts, or either of them, and also to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this present Act, together with all Interest due, and which shall or may, from Time to Time, hereafter become due and payable for the same respectively.

Trustees.

III. And be it further enacted, That the Honourable *Charles Aynsley*, *James Allgood*, *George Askew*, *Alexander Adams*, *Thomas Adams*, *Edward Anderson*, *Adam Atkinson*, the Chamberlains of *Alnwick* for the Time being, *Sir Edward Blackett* Baronet, *Sir Francis Blake* Baronet, *Francis Blake junior*, *Thomas Charles Bigge*, *Charles Brandling*, *Charles John*

John Brandling, George Baker, Matthew Bell, John Bell, Robert Hepple Bell, Calverly Bewick; Bryan Burrell, William Burrell, Henry Burrell, Palfrey George Burrell, John Erasmus Blackett, Edward Brudenell Clerk, Robert Baty Clerk, Job Bulman, Thomas Buston, George Burdon, William Burdon, Sir Thomas Clavering Baronet, Charles John Clavering, John Clavering, Shafto Crafter, Edmund Crafter, Thomas Glennell, John Carr, Robert Carr, George Carr, Richard Carr, Robert Hodshon Cay, John Clutterbuck, Edward Collingwood, Henry Collingwood, Anthony Compton, William Crawford, Joseph Cook Clerk, Alexander Cleeve Clerk, Edward Charleton, George Cully, Matthew Cully, Alexander Davison, William Davison, John Davidson, John Dinning, Frederick Ekins, Robert Farquhar, Thomas Farquhar, Robert Fenwick, Nicholas Fenwick, William Fenwick of Bywell, William Fenwick of Morpeth, Thomas Fenwick, James Fenwick, Robert Forster, Charles Bacon Forster, Thomas Forster, Joseph Forster of Seatonburn, Charles Francis Forster, Joseph Forster of Newton, Joseph Forster junior, Sir Henry Grey Baronet, Sir Charles Grey Knight of the Bath, Charles Grey of Howick, Charles Grey of Morricks, Ralph William Grey, Anthony Gregson, Anthony Gregson junior, Stephen Fryer Gillum, Marmaduke Grey, Sir Carnaby Haggerstone Baronet, Edward Haggerstone, Thomas Haggerstone, William Hargrave, Robert Horsley, Ralph Heron, Henry Howey, John Hopper, John Hopper junior, Richard Hatkin, Robert Hatkin, Thomas Harle, Hugh Hodgson Clerk, Middleton Hewitson, Joshua Hewitson, Henry Hewitson, Sanderson Ilderton, William James, Collingwood Forster James, Walter Kerr, Thomas Kerr, Sir Thomas Henry Liddell Baronet, Sir William Loraine Baronet, John Lawson, Edward Lawson, Charles Loraine, William Loraine, Robert Lisle, Sir Charles Miles Lambert Monck Baronet, Thomas Meggison, Thomas Meggison junior, Bertram Mitsford, Joseph Mills, John Mills, Charles Mitchell, the Bailiffs of Morpeth for the Time being, Robert Ogle, William Ogle, Wallis Ogle, Newton Ogle Doctor in Divinity, William Orde, John Orde, Leonard Orde, Jacob Pearson, Robert Pearson, William Pratt, John Pratt, Edward Pringle, Sir Matthew White Ridley Baronet, Matthew Ridley, Nicholas Ridley, Ralph Riddell of Felton Park, Ralph Riddell of Cheeseburn Grange, George Railstone, John Reed, Thomas Readhead, Robert Roddam, Collingwood Roddam, William Rochester, Sir John Edward Swinburne Baronet, Edward Swinburne, Thomas Selby, Thomas Selby junior, George Selby, Henry Collingwood Selby, John Smart, Thomas Smith, William Smith, Thomas Storer, Thomas Strother, Aubone Surtees, William Sanderson Clerk, George Smalbridge Clerk, Bartholemew Lutley Sclater Clerk, Horace St. Paul, St. Paul, Sir John Trevelyan Baronet, John Trevelyan, Walter Trevelyan, Walter Blackett Trevelyan, Raleigh Trevelyan, Henry Taylor, Robert Thorp Doctor in Divinity, John Tarleton, Thomas Wilkinson, Robert Hopper Williamson, John Wilson, John Wilkie of Hetton, John Wilkie, of Elandhall, George Watson Doctor in Divinity, and John Weallems, shall be, and they are hereby appointed Trustees for more effectually repairing, and keeping in Repair, the said Road, and for putting in Execution the several Powers and Authorities in and by this Act given and granted.

IV. And be it further enacted, That, when and as often as any of the Trustees hereby appointed, or to be elected and appointed, in Manner herein-after mentioned, shall die, or, by Writing under their Hands, refuse to act in the Execution of this Act, it shall be lawful for the remaining

Power to elect new Trustees.

ing or surviving Trustees, or any Five or more of them, from Time to Time, to elect and appoint one other fit Person to be a Trustee in the Room of every Trustee dying or refusing to act as aforesaid; provided that publick Notice of the Time and Place of Meeting of the said Trustees for every such Election be given by the Clerk, to be appointed by the said Trustees as herein-after is mentioned, by affixing the same in Writing upon all the Turnpike Gates erected upon the said Road, and by inserting such Notice in one or more of the Newspapers published at *Newcastle upon Tyne* Ten Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees, in the Execution of this Act, to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

Qualification
of Trustees.

V. Provided always, and be it further enacted, That no Person, other than and except the Chamberlains of *Alnwick* and the Bailiffs of *Morpeth* for the Time being, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be, in his own Right or in Right of his Wife, seised or possessed of, and in the actual Possession or Receipt of, the Rents and Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One Hundred Pounds 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 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, by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, That all Acts and Proceedings, by any such Person, as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

The Acts of
unqualified
Trustees, pre-
vious to Con-
viction, de-
clared valid.

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

Trustees Oath.

I *A. B.* do swear, that I am in my own Right (or in the Right of my Wife) truly and *bonâ fida* seised or possessed of, and in the actual Possession or Receipt of, the Rents and Profits of Messuages, Lands, Tenements,

‘ Tenements, Tythes, or Hereditaments, of the clear yearly Value of One
 ‘ hundred Pounds above Reprizes: And, in the Case of an Heir ap-
 ‘ parent, I *A. B.* do swear, that I am Heir apparent of *C. D.* who, to the
 ‘ best of my Knowledge and Belief, is truly and *bonâ fide* seised or pos-
 ‘ sessed of, and in the actual Possession or Receipt of, the Rents and
 ‘ Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of
 ‘ the clear yearly Value of Three hundred Pounds above Reprizes: And,
 ‘ in the Case of Personal Estate, I *A. B.* do swear, that I am truly and
 ‘ *bonâ fide* possessed of a clear Personal Estate of the Amount or Value
 ‘ of Three thousand Pounds; and that I will truly and faithfully exe-
 ‘ cute the Powers and Trusts reposed in me by an Act of Parliament,
 ‘ passed in the Thirty-ninth Year of the Reign of His Majesty King
 ‘ *George* the Third, for more effectually repairing and amending the
 ‘ Road leading from *Long Horsely* Bar or Gate on the Post Road near
 ‘ the Town of *Morpeth*, by or through *Long Horsely*, *Weldon Bridge*, and
 ‘ *Whittingham*, to the River *Breamish*, and from thence to *Piercy’s Cross*,
 ‘ in the County of *Northumberland*.”

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

Trustees hold-
 ing Places of
 Profit shall not
 act, but Jus-
 tices may.

VIII. And be it further enacted, That the said Trustees, or any Five
 or more of them, shall meet at the Sign of *The Castle* in *Whittingham*, in
 the said County of *Northumberland*, on the Twenty-fourth Day of *June*
 One thousand seven hundred and ninety-nine, and shall proceed to the
 Execution of this Act, and shall then, and from Time to Time after-
 wards, adjourn themselves, and meet at the same Place, or at such other
 Place or Places, upon or near the said Road, as the said Trustees, or any
 Five or more of them, shall think most convenient for putting this Act
 in Execution; but no Adjournment shall be made for any longer Space
 of Time than Three Calendar Months; and if at any Meeting, to be held
 by virtue of this Act, there shall not appear a sufficient Number of Trus-
 tees to act, or to adjourn to another Day, that then the Clerk to the said
 Trustees shall, from Time to Time, as often as such Case shall happen, by
 Notice, in Writing, affixed upon all the Turnpikes which shall be then
 erected upon the said Road, and also by Advertisement, to be inserted in
 One or more of the *Newcastle* Newspapers, at least Ten Days before the
 next intended Meeting, appoint the Trustees to meet at the Place where
 the last Meeting was appointed to be held, or at some other fit and con-
 venient Place, upon or near the said Road, on that Day Three Weeks
 next after the Day on which the last Meeting was so appointed; and the
 said Trustees, at all their Meetings, shall defray their own Expences; and
 all Orders, Agreements, 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; and that no such Order, Agreement, or
 Determination, shall be revoked or altered at any subsequent Meeting,
 unless Seven Trustees, or more, shall be present, and Five at least con-
 cur therein.

First Meeting
 of the Trus-
 tees.

If a sufficient
 Number
 should not at-
 tend, Clerk to
 give Notice
 of next Meet-
 ing.

Trustees shall
 bear their own
 Expences.

All Orders
 made at Meet-
 ings not to be
 revoked or al-
 tered at any
 subsequent
 Meetings.

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IX. And

Trustees may hold Meetings upon Emergencies :

Fourteen Days Notice of which to be given in the Newcastle Newspapers.

IX. And be it further enacted, That, if at any Time it shall be thought necessary, for the better Execution of this Act, that the Trustees shall meet before the Time to which any Meeting is adjourned, the Person acting as Clerk to the said Trustees, by an Order in Writing, signed by any Five or more of them, naming the Time and Place of such Meeting, shall, as soon as may be, give Notice thereof, by Advertisement, in One or more of the *Newcastle* Newspapers, and in such Notice appoint a Meeting of the Trustees; to be held at such Time and Place as shall be directed by such Order, (such Time not being less than Fourteen Days after the Publication of the said Notice), which Notice shall also express the particular Business intended to be done and transacted at such Meeting; and such Business, when done at such Meeting, shall be as valid as if the same had been done at any other Meeting of the Trustees held by virtue of this Act.

X. Provided always, That no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Trustees to erect Gates and Toll Houses;

XI. And be it further enacted, That the said Trustees, or such Person or Persons as they, or any Five or more of them, shall direct or appoint, shall and may build, erect, or continue, or cause to be built, erected, or continued, such and so many Toll Gates or Turnpikes in, upon, or across, any Part or Parts of the said Road, and also a Toll House to each Gate or Turnpike, with Outbuildings suitable thereto; and also shall and may inclose convenient Garden Spots to the said Toll Houses, as the said Trustees, or any Five or more of them, shall think fit; and may cause any such Turnpike or Turnpikes, Toll House or Toll Houses, or such Outbuildings, from Time to Time, to be taken down, removed, or altered, as they, or any Five or more of them, shall think proper and expedient; and that they, the said Trustees, or such Person or Persons as they, or any Five or more of them, shall appoint, shall demand and take the Tolls following, before any Horse, Beast, Cattle, or Carriage whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike; (that is to say),

and to take Tolls.

Tolls.

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

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

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

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

For

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 Eight Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings; and drawn by Seven Horses, Oxen, or other Beasts of Draught, the Sum of Five Shillings and Three-pence; and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Four Shillings and Sixpence; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Nine-pence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings:

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 Surface of that Breadth, and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Nine-pence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Three-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Nine-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 Eight Horses, Oxen, or other Beasts of Draught, the Sum of Nine Shillings:

For every the like Carriage, drawn by Seven Horses, Oxen, or other Beasts of Draught, the Sum of Seven Shillings and Ten-pence Halfpenny:

For every the like Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Six Shillings and Nine-pence:

For every the like Carriage, drawn by Five Horses, the Sum of Five Shillings and Seven-pence Halfpenny:

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

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

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

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

For every Two-wheeled 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 Five Horses, the Sum of Five Shillings and Seven-pence Halfpenny:

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

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

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

For

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

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

For every the like Carriage, drawn by Seven Horses, Oxen, or other Beasts of Draught, the Sum of Ten Shillings and Sixpence :

For every the like Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Nine Shillings :

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

For every the like Carriage, drawn by Four Horses, the Sum of Six Shillings :

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

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

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

For every the like Carriage, drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two Shillings and Sixpence :

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

For every the like Carriage, drawn by Seven Horses, Oxen, or other Beasts of Draught, the Sum of Ten Shillings and Sixpence :

For every the like Carriage, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Nine Shillings :

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

For every the like Carriage, drawn by Four Horses, the Sum of Six Shillings :

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

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

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

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

For every the like Carriage, drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Shilling and One Penny Halfpenny :

Double Tolls
to be paid in
certain Cases.

And, for every Two-wheeled Waggon, Wain, Cart, or other such Carriage, the Soles or Bottoms of the Fellies of the Wheels whereof shall be of a greater Breadth or Gauge than Three Inches, and of less Breadth or Gauge than Five Inches, and the Lading whereof shall exceed the Weight of One hundred and eighty Stone; and for every such like Carriage, the Soles or Bottoms of the Fellies of the Wheels whereof shall

shall be of the Breadth or Gauge of Three Inches or less, and the Lading whereof shall exceed the Weight of One hundred and twenty Stone; double the Tolls or Sums of Money herein-before respectively mentioned, and made payable for every such Waggon, Wain, Cart, or other such Carriage, not being so laden as aforesaid.

XII. Provided always, That the Tolls and Duties hereby granted and made payable shall be divided and allotted into so many Parts, Shares, or Proportions, as there are or shall be Toll Gates or Turnpikes erected upon the said Road; and such Parts thereof shall be taken and received at such and so many of the said Toll Gates or Turnpikes as by the said Trustees, or any Five or more of them, shall be ordered and appointed for that Purpose, and not otherwise; which said Tolls, and all other Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, in such Manner as is herein-after mentioned; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Collector or Collectors appointed to receive the same, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall be lawful for the said Collectors, or any of them, respectively, or any other Person or Persons whom they respectively shall take to their Assistance therein, to distrain any Horse or Cattle upon which any of the said Tolls are by this Act imposed, or any of the Lading, Harners, or Accoutrements thereof, respectively; and the Collector or Collectors so distraining shall and may, at his or their Election, either detain and keep the Horse or Cattle so distrained until such Tolls, with the reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid, or if such Tolls and Charges shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may, at any Time or Times thereafter, sell the Horse or Cattle 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 unfold (if any), upon Demand, to the Owner or Owners thereof.

Tolls vested in the Trustees.

For compelling Payment of Tolls.

XIII. 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, and all other Things whatsoever erected or provided by virtue of the said former Acts, or which shall or may be erected or provided by virtue of this Act, and of the Materials for building the same respectively, and also all the Materials which shall be actually got or collected for repairing the said Road, shall be, and are hereby vested in the said Trustees; and they, or any Five or more of them, shall and may sell and dispose thereof, and apply the Money, arising by such Sale, in such Manner, and for such Uses and Purposes, as the said Tolls are, by this Act, directed to be applied and disposed of; and the said Trustees, or any Five or more of them, shall and may, in their own Names, or in the Name of their 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,

Toll Houses and Materials vested in Trustees.

[*Loc. & Per.*]

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Posts

Posts, and Rails, which shall have been, or may be, built, erected, or provided, by virtue of the said former Acts, or this present Act, or any of the Materials herein-before mentioned.

For settling
Disputes con-
cerning Tolls.

XIV. And be it further enacted, That if any Dispute shall happen about any Tolls due, or the Charges for keeping any Distress, it shall be lawful for the Collector, or Person so distraining, to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, till the Quantity of the Tolls, or the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the said County; who, upon Application made to him for that Purpose, shall examine into the Matter thereof, by Oath of the Parties, or of any Witness or Witnesses, and shall determine the Quantity of the Tolls due, and also assess the Charges of such Distress and Sale, and of the Collector's Attendance for that Purpose, upon the said Justice; all which Sums, so determined or assessed, shall be paid to the said Collector before he shall be obliged to return the said Distress, or the Overplus, after the Sale thereof, or any Part thereof.

Collectors
declared
competent
Witnesses.

XV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise, touching or in anywise relating to, the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall be, and are hereby declared to be, competent to give Evidence in any such Dispute, Suit, or Litigation.

Tolls payable
but once a
Day.

XVI. 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 Horse, Beast, Cattle, or Carriage whatsoever, through any Turnpike or Toll Gate already erected, or which may hereafter be erected, upon the said Road, shall be subject to pay any further or other Toll for returning and repassing with the same Horse, Beast, Cattle, or Carriage, as often as he, she, or they shall have Occasion on the same Day, (to be computed from Twelve of the Clock in the 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; all which Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll.

Trustees may
compound for
Tolls.

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

XVIII. And

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

Power to lease
the Tolls.

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

Tolls may be
varied.

XX. And be it further enacted and declared, That no Person or Persons shall be chargeable with, or liable to pay, any of the Tolls aforesaid for any Waggon, Wain, Cart, or other Carriage, which shall be laden with, or going empty for, or returning empty after having been laden with, Stones, Bricks, Lime, Timber, or Wood, or with Gravel or other Materials for repairing the said Road, or any of the Highways in the Parishes or Townships in which the said Road doth lie, or with Lime, Dung, Mould, or Compost, of any Nature or Kind soever, to be laid upon Grounds, Arable, Meadow, or Pasture, or Gardens, (except as herein-after is mentioned), or with Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places through which the said Road doth lead, such Hay or Corn in the Straw being the Product of Lands and Grounds lying within such Parishes, Townships, or Places, or some of them, nor shall any Person or Persons be chargeable with, or liable to pay, any of the Tolls aforesaid for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever, belonging to, or employed by, such Inhabitants respectively only in Husbandry or Stocking of Lands lying within the several

Exemptions
from Toll:

several Parishes, Townships, or Places adjoining to the said Road; and no Tolls shall be demanded or taken from any Person or Persons residing in any of the said Parishes, Townships, or Hamlets, in which the said Road hereby directed to be repaired does lie, who shall pass through any of the said Turnpikes or Side Gates to and from Church, Chapel, or other Place of Religious Worship, within their respective Parishes, Townships, or Hamlets, tolerated by Law, on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, or for any of their Horses, Mares, Geldings, or other Cattle going to or returning from Pasture or Watering Places belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near to the said Road, or for any Horses or Carriages, of whatsoever Description, employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Post Master General, either in conveying, fetching, or guarding, such Mails or Expresses, or in returning back from conveying the same, or for the Horses belonging to Soldiers upon their March, or on Duty, or for Carts, Carriages, or Waggon, attending them, or laden with their Arms or Baggage, or for Horses, Carts, or Carriages, travelling with Vagrants sent by legal Passes, nor for any Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or Litters, and Passengers on Horseback, going to or returning from any Election of a Knight of the Shire for the said County of *Northumberland*, on the Day of such Election, or on the Day before, or the Day after, any such Election shall begin and be concluded; and if any Person shall claim or take the Benefit of any of the Exemptions aforesaid, not being legally entitled to the same, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Half Tolls to be taken for Lime between the First Day of *April* and First Day of *November*.

XXI. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, by Writing under their Hands, authorize and appoint, shall and may, at all Times hereafter, between the First Day of *April* and the First Day of *November* in every Year, demand, receive, and take, or cause to be demanded, received, and taken, at all the Turnpike Gates already erected, or to be erected, upon the said Road, for every Waggon, Wain, Cart, or other Carriage, laden with or carrying Lime to be laid upon Grounds, Arable, Meadow, or Pasture, or Gardens, One Moiety or Half Part of such Tolls as are imposed or authorized to be taken by this Act upon any Waggon, Wain, or Cart, laden with any other Thing whatsoever, and drawn by the same Number of Horses, Oxen, or other Beasts of Draught; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Additional Tolls to be taken between the First of *November* and First of *April*.

XXII. And whereas several Persons in the Winter Season do make a Practice of carrying and conveying several Things upon the said Road which are exempted from Payment of any Toll, to the great Prejudice of the said Road, which Things might be carried and conveyed at other Seasons of the Year with less Prejudice to the Road, without any particular Inconvenience to the Owners thereof, be it therefore further enacted, That the said Trustees, or any Five or more of them, or such Person

Person or Persons as they, or any Five or more of them, shall by Writing under their Hands, authorize and appoint, shall and may (at all Times hereafter, between the First Day of *November* and the First Day of *April* in every Year) demand, receive, and take, or cause to be demanded, received, and taken, at all the Turnpike Gates already erected, or to be erected, upon the said Road, for every Waggon, Wain, Cart, or other Carriage, laden with or carrying Grain, or Corn in the Straw, or Hay, Fodder, Lime, Dung, Mould, Compost, Sand, or any other Manure, of what Kind or Nature soever, such and the like Tolls as are imposed by this Act upon any Waggon, Wain, or Cart, laden with any other Thing whatsoever, and drawn by the same Number of Horses, Oxen, or other Beasts of Draught; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

XXIII. And whereas it hath of late become a Practice for Persons to lead Dung, Ashes, Compost, Manure, and other Things, through the said Gates or Bars; and to unload and lay the same down near to such Gates or Bars, and afterwards to re-load and lead the same along the said Road, without being subject to the Payment of any Toll; for the remedying whereof for the future, be it enacted, That no Dung, Ashes, Compost, Manure, or other Thing, shall be unloaded and laid down near to any of the said Gates or Bars erected, or to be erected, upon the said Road, or near to the Sides thereof, and afterwards be re-loaded and led along the said Road, or any Part thereof, upon Pain that 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, nor less than Five Shillings, and, for every other Offence, any Sum not exceeding Thirty Shillings, nor less than Ten Shillings, to be recovered and applied as herein-after is mentioned.

No Manure, &c. to be laid down near the Road and afterwards re-loaded and led thereon, under the Penalty of Five Shillings for the first, and double for every other Offence.

XXIV. And be it enacted, That no Dung, Ashes, Compost, Manure, or other Thing, shall be unloaded and laid down upon any Moor, Common, or Waste, adjoining upon the said Road, or any Part thereof, nearer to the Side of the said Road upon which the same shall be so laid down, than the Distance of Thirty Feet, upon Pain that the Person or Persons so offending shall forfeit and pay, for each and every Offence, any Sum not exceeding Forty Shillings, nor less than Ten Shillings, to be recovered, levied, and applied, in Manner herein-after directed.

No Manure, &c. to be laid within Thirty Feet of the Side of the Road, upon any Common, under the Penalty of Ten Shillings.

XXV. And be it further enacted, That, if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage, pass through any Lands, Grounds, or Hereditaments, lying near any Turnpike already erected, or which shall be hereafter erected upon the said Road, or on the Side or Sides thereof, (the same not being a Publick Highway), or if any Owner or Occupier of such Grounds, Lands, or Hereditaments, shall knowingly permit or suffer any Person or Persons to pass with any Horse, Cattle, Beast, or Carriage whatsoever, through any such Lands, Grounds, or Hereditaments as aforesaid, or if any Person or Persons shall give to, or receive from, any Person or Persons any Ticket, or shall forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall or may be avoided, or if any Person or Persons shall forcibly pass through any such Turnpike with any Horse, or other Cattle or Beast, without Payment of Toll, or

To prevent evading the Tolls.

[Loc. & Per.]

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shall

shall take off, or cause to be taken off, any Horse, or other Cattle or Beast, from any Carriage, or shall leave, or cause to be left, upon, or near to, any Part of the said Road, any Draught or Carriage, Horse, Cattle, or Beast, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, or with such Intent shall unload any Goods from any Carriage chargeable with any of the Tolls aforesaid, every Person offending in all or any of the Cases aforesaid shall, for every Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, whereof one Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as the Penalties and Forfeitures are by this Act directed to be applied.

Tolls to be first applied in paying the Expence of passing this Act.

XXVI. And be it further enacted, That the Tolls arising by virtue of this Act shall be applied, in the first Place, to pay off the Charges and Expences of obtaining and passing this Act.

For borrowing Money, and assigning Tolls as a Security.

XXVII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall, may, and are hereby empowered, from Time to Time, 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, (the Costs and Charges of assigning the same to be borne and paid out of the said Tolls), for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money which they shall think necessary to be borrowed for repairing the said Road, and for the several other Purposes of this Act, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Re-payment thereof, with such Interest as shall be agreed upon: And all the said Tolls which shall be collected and raised by this Act, (after Payment thereof of the Expences of obtaining this Act), and all Money which shall be borrowed on the Credit thereof, shall, from Time to Time, be applied in defraying the Expences of erecting and providing Turnpikes and Toll Houses, and in amending, widening, altering, and keeping in Repair, the Road hereby directed to be repaired, and all other the Purposes of this Act, and to no other Use or Purpose whatsoever.

That Notice shall be given of borrowing Money after the first Meeting.

XXVIII. Provided always, That 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, affixed, in Writing, under the Hand of the Clerk to the said Trustees, upon all the Turnpike Gates which shall then be erected upon the said Road, and also advertized in One or more of the *Newcastle* Newspapers, at least Fourteen Days before the borrowing such Money.

Assignments to be entered in a Book.

XXIX. 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.

Assignments may be transferred.

XXX. And be it further enacted, That all and every Person or Persons, to whom any Assignment or Assignments shall have been made by virtue of the said recited Acts of the Twenty-fifth Year of the Reign of His

His said late Majesty King *George* the Second, and the Eighteenth Year of the Reign of His present Majesty, or either of them, 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 any of them, shall and may, from Time to Time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings, under his, her, or their 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; all which said Transfers or Assignments shall be produced and notified to the said Clerk or Treasurer to the said Trustees within Three Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties Names, and Sum of Money therein mentioned, to be transferred in the said Book to be kept for entering the said original Assignments, for which the said Clerk or Treasurer shall be paid the Sum of Two Shillings and no more; and, after such Entry made, such Assignment shall entitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may, in like Manner, assign again, and so *toties quoties*; and it shall not be in the Power of the Person or Persons, who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

XXXI. And be it further enacted, That if any of the Creditors of the said Road shall, at any Time, be desirous of having or calling in the Principal Money due to him, her, or them, he, she, or they, shall give and deliver, or cause to be given and delivered, to the said Trustees, or their Clerk, for the Time being, at some Publick Meeting to be held in pursuance of this Act, a Notice, in Writing, under his, her, or their Hand or Hands, at least Six Months previous to the Time that such Creditor or Creditors shall require his, her, or their Money to be so paid in; and in case the Principal Money and Interest, which shall be due and owing to the Party giving such Notice, shall not be then paid, that then, and in such Case, it shall and may be lawful to and for the Person or Persons who shall have given such Notice, by virtue of and under this Act, and without any other Authority, to enter into and upon the several Gates or Bars erected, or to be erected, upon the said Road, and to have, receive, and take the said Tolls of the said Road; and the same are hereby vested in such Person or Persons, his Executors and Administrators, until the Principal Money and Interest, due and owing to such Person or Persons, shall be fully paid and satisfied; any Thing herein contained to the contrary thereof notwithstanding.

Creditors may seize the Tolls, on Non-payment of their Principal and Interest, on Six Months Notice.

XXXII. Provided always nevertheless, That if more Creditors than one shall give such Notice as aforesaid, that Preference shall be given to such Creditor, whose Security or Securities shall be prior in Point of Date to the Security of the others.

Preference to be given to Securities in Point of Date.

XXXIII. And be it enacted, That all and every Mortgagee and Mortgagees, who shall hereafter take or be in Possession of any Toll Gate or Bar erected or to be erected upon this Road, or on the Sides thereof, shall,

Mortgagees in Possession of Tolls to account to Trustees.

shall, within Fourteen Days after he, she, or they, shall have received any Notice in Writing from any Five or more of the Trustees of the said Road, render upon Oath (to be administered and taken by and before one Justice of the Peace, or any one Trustee of the said Road) an exact Account in Writing to such Trustees, or to any Person appointed by them, or any Five or more of them, to be named in such Notice, of all Monies received by such Mortgagee or Mortgagees, or by any other Person or Persons, for his, her, or their Use and Benefit, or by his, her, or their Authority, at such Toll Gates or Bars, and of what he, she, or they have expended in keeping the same; and in case he, she, or they shall neglect or refuse to render such Account, when required, in the Manner herein directed, he, she, or they shall severally forfeit and pay to the said Trustees for every Refusal, Neglect, or Omission, to render such Account, any Sum not exceeding Ten Pounds, nor less than Five Pounds, to be recovered by the said Trustees, or any Five or more of them, or by their Treasurer or Clerk, by their Direction, in a summary Manner, before one Justice of the Peace, which, when recovered, shall be applied for the Purposes of this Act.

For every Refusal or Neglect to forfeit Ten Pounds.

Keeping Possession, or receiving Tolls after Debt, Interest, and Costs paid.

To forfeit double the Sum received with treble Costs.

To be applied to the Use of the Road.

Appointing Officers.

Salaries to Officers, &c.

How Officers shall account.

XXXIV. And be it further enacted, That, if any Mortgagee or Mortgagees shall keep Possession of any Toll Gate or Bar by him, her, or themselves, or by any other Person or Persons on his, her, or their Behalf, and receive the Tolls thereat, after such Mortgagee or Mortgagees shall have received the full Sum or Sums of Money due on their respective Mortgage or Mortgages, and the Interest thereof, with Costs, such Mortgagee or Mortgagees shall forfeit and pay, as a Penalty to the said Trustees, double the Sum or Sums of Money he, she, or they shall have received, over and above the Sum or Sums of Money due as aforesaid, with treble Costs of Suit, to be recovered by the said Trustees, or any Five or more of them, or by their Treasurer or Clerk, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, which, when recovered, shall be applied for the Purposes of this Act.

XXXV. And be it further enacted, That the said Trustees, or any Five or more of them, may, and they are hereby empowered, by Writing under their Hands, to appoint one or more Collector or Collectors of the said Tolls, and one or more Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, of the said Road, and such other Officers as the said Trustees, or any Five or more of them, shall think necessary; and such Collectors, Clerks, Treasurers; Surveyors, or other Officers, or any of them, from Time to Time, to remove, and, on the Removal, Death, or Resignation, of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead; and may, and are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting to them, or any of them, in or about the Execution of this Act, such Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Service, as the said Trustees, or any Five or more of them, shall deem reasonable: Provided nevertheless, That no Person shall be capable of holding any Place of Profit under the said Trustees, who shall sell any Ale, Beer, Wine, or Spirituous Liquors, by Retail; and all such Officers and Persons shall, from Time to Time, when thereunto required

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

Penalty on
their Refusal.

XXXVI. And be it further enacted, That upon the Death, Incapacity, Absconding, or Absence, of any Collector or Receiver of the Tolls, any Three or more of the Trustees, though not assembled at a Meeting appointed by virtue of this Act, by Writing, under their respective Hands, shall and may lawfully nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector, or

Trustees may
appoint tem-
porary Col-
lectors in cer-
tain Cases.

[Loc. & Per.]

6 P

Receiver,

How Trustees may recover Possession of Toll Houses.

Receiver, as shall so die, become incapable, abscond, or absent himself; which Person, so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner; in all Respects, as the Person who shall so die, become incapable, abscond, or absent himself; would have had or been subject to; and that, if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office, by the said Trustees, or the Wife, or Widow, or any of the Children, Family, or Representatives, of any Collector or Receiver, who shall die, abscond, absent himself, or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House, or Building erected, or to be erected or set up, by virtue of this Act, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpose. by any Three or more of the said Trustees, or by their Clerk or Treasurer, then, and in any of the said Cases, it shall and may be lawful for any Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for the same County, with such Assistance as shall be necessary to enter such House or Building, in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Five or more of them, or any of their Officers, in the Possession thereof.

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

XXXVII. Provided always, and be it enacted, That no Person who now is, or shall hereafter be nominated, elected, or appointed, a Trustee for the Execution of this Act, 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 Publick Meeting of the said Trustees, and have acted there as a Trustee, within the Space of Twelve Calendar Months next preceding such Vacancy.

Treasurer, &c. to give Security.

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

For getting Materials for repairing the Roads, &c.

XXXIX. 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, Stone, Sand, Gravel, and other Materials proper or convenient for repairing the said Road, out of any Waste or Common, River or Brook, (not being within the Distance of Thirty Yards from any Bridge, Dam, Wear, or Jetty), in any Parish or Hamlet within or near whereto the said Road, or any Part or Parts thereof, respectively do lie; and for Want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials, in the Places last described, then to dig, take, and carry away the like Materials out of any Waste or Common, River or Brook, (not being within the like Distance from any Bridge, Dam, Wear, or Jetty), in any neighbouring Parish or Hamlet, without making any Recompence for the same, the said Surveyor and Surveyors filling up, fencing, or

or levelling all such Pits and Holes as shall be made or occasioned by the digging for or taking away such Materials, and making such Allowance and Satisfaction to the Person or Persons through whose Lands or Private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby, as the said Trustees, or any Five or more of them, shall judge fit and reasonable; and in case sufficient Materials cannot be gotten in such Wastes, Commons, Rivers, and Brooks, as aforesaid, it shall be lawful for such Surveyor and Surveyors, by Order of the said Trustees, or any Five or more of them, to dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Paddock, Park, Planted Walk, Lawn, Pleasure Ground, or Avenue to any House, or Inclosed Ground, planted, set apart, or used as a Plantation or Nursery for Trees), where such Materials are and may be found, and, from Time to Time; to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Road, paying such Recompence for the Damage done to the Owners and Occupiers of the respective Grounds where, through, and from whence the same shall be digged and carried away, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching the Damages aforesaid, the Justices of the Peace for the County or Counties wherein the Lands lie, from which such Materials shall be taken, or over or through which the same shall have been led or carried, at their General Quarter Sessions of the Peace, to be holden in and for the same County or Counties, 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.

XL. Provided nevertheless, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or such other Person or Persons as aforesaid, under the Authority of this Act, to dig, gather, take, or carry away, any such Materials as aforesaid, for any of the Purposes of this Act, in or from any inclosed Lands or Grounds, until after Twenty 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 any Five or more of them, or One or more Justice or Justices of the Peace acting for the County in which such Inclosed Lands or Grounds shall lie, at a certain Time and Place to be 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 he or they 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

Materials not to be taken from inclosed Grounds without Notice.

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

Penalty on
taking away
Materials got
by Surveyors.

XLI. And be it further enacted, That if any Person whomsoever shall take or carry away any Materials which shall have been digged or gathered for the Purpose of making, amending, or repairing the said Road, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made for the Purpose of getting Materials for the said Road, before the said Surveyors, or their Workmen, shall have discontinued working therein, for the Space of Thirty Days, (except the Owner or Occupier of any Private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds, nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Surveyors
may remove
Annoyances.

XLII. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stone, Carriages, Saw-pits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains, running into the same to the Prejudice thereof, and to open, scour, and cleanse, deepen and enlarge, any Gutter, Ditch, Conduit, or Watercourse, adjoining or near to the said Road, or any Part or Parts thereof respectively; and also to cut down, lop, or top, any Trees, Branches, or Bushes, growing in the Hedges, Fences, or Grounds adjoining thereto (so as to reduce such Hedges to any Height not less than Four Feet), and to take and carry away the same, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be, shall neglect so to do for Twenty-one Days after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors, the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Trees, Branches, or Bushes, or by the Person or Persons occasioning, or neglecting, or refusing to remove, such Annoyances as aforesaid; which Charges shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered; and if, after the Removal of any such Annoyances, any Person or Persons shall offend again in the like Manner, every such Person shall, for every Second or further Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Surveyors
may make
Causeways,
Drains, &c.

XLIII. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by Order of the said Trustees, or any Five or more of them, to make Causeways in or along the Side of the said Road, and to cut and make Drains or Watercourses upon and through any Grounds lying contiguous to the said Road, and to erect, and keep in Repair, the Bridges and Arches thereupon, and also to make Ditches or Trenches
in

in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall judge necessary, and make sufficient Fenders, Barriers, and other Erections, on any Part or Parts of the said Road, in order to prevent any River or Current of Water from flooding the same, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall judge necessary; and also to make, or cause to be made, any temporary Road or Roads through, over, and along, the Grounds adjoining to any narrow or ruinous Part or Parts of the said Road, (not having a House or Building thereon, and not being a Garden, Orchard, Planted Walk, or Avenue, to any House, or a Plantation or Nursery of Trees), to be made use of as a Road, whilst the old Road shall be repairing, and until the same shall be made safe and convenient for Travellers, making such Satisfaction to the Owners or Occupiers of such Grounds so to be used, cut through, or built upon, for the Damages which they, or any of them, shall sustain thereby, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, the same shall be settled by the Justices of the Peace for the said County of *Northumberland*, at their General Quarter Sessions of the Peace to be held for the said County next after such Difference shall arise.

XLIV. And be it further enacted, That in case the said Trustees, or any Five or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to widen, turn, or alter, any Part or Parts of the said Road, for shortening the same, or rendering the same more commodious, or for the better Accommodation of Passengers, that then the said Trustees, or any Five or more of them, shall have full Power and Authority, from Time to Time, to widen the said Road, and to divert, turn, or alter the Course or Path of any Part or Parts thereof, respectively, through or over any Moor or Waste Ground, without making any Satisfaction for the same; and also, through or over any Private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they may thereby sustain, and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of, and Persons interested in, any Private Grounds, Messuages, 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 said Road; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, whatsoever, for or on Behalf of any Infants, Females Covert, Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized, possessed of, or interested in, any such Lands, Messuages, Tenements, or Hereditaments, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Five or more of them, all or any of such Messuages, Lands, Tenements, or Hereditaments, as Occasion shall be or require, and all Contracts, Sales, and Conveyances, which shall be so made, shall, with-

Trustees may widen, turn, or alter the Road.

Corporations and incapacitated Persons empowered to sell, &c.

out any Fine or Fines, Common Recovery, or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands, Grounds, Messuages, 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 Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands, Grounds, Messuages, Tenements, or Hereditaments, so to be taken in and added to any Part of the said Road, or into which any Part or Parts of such Road is or are to be turned or altered as aforesaid, shall, by the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or, by Reason of Absence, shall be prevented from treating, then, and in every or any such Case, the said Trustees, or any Five or more of them, shall cause it to be enquired into, and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the said County of *Northumberland*, (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested for or on Account of the taking of such Lands, Grounds, Messuages, Tenements, or Hereditaments, into the said Road, or turning any Part or Parts of such Road into the same Lands, Grounds, Messuages, Tenements, or Hereditaments; and, in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching or concerning the Premises, (which Oath any Two or more of the said Trustees are hereby empowered to administer), and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as the Jury's better Information in the Premises, as the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in, the said Lands, Grounds, Messuages, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury, which said Verdict or Inquisition, and Judgement, 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,

On Refusal to
sell, a Jury to
settle the Re-
compence.

mainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politick, 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, Messuages, Tenements, 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 of such Jury or Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place within the said County, as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn, but shall not challenge the Array; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn, refusing to give, or not giving, their Verdict, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons, who, being required to give Evidence before the said Jury, touching the Premises, shall refuse or neglect to appear, or, appearing, shall refuse to be sworn or 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, and the Sum of Forty Shillings upon any other Person, for any One Offence.

Sheriffs to
summon Ju-
ries.

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

XLV. And be it further enacted, That every Sum of Money or Re-
compence, 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,
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 Trus-
tees for the Use of such Parties or Persons, and after Ten Days No-
tice thereof given to such Parties or Persons, or their Agents, such
Lands,

Money allow-
ed for Lands,
&c. how to be
charged and
tendered.

Lands, Messuages, Tenements, or Hereditaments, shall be laid into and made Part of the said Road, in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out, for that Purpose, and shall, to all Intents and Purposes whatsoever, become and be, and be deemed and taken to be, a Common Highway, and Part of the said Road, and shall be repaired and kept in Repair in such Manner as the same Road is, by this or any other Law to be made and repaired, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Grounds, Messuages, Tenements, or Hereditaments; and after such new Road shall be completed, the Lands constituting such former Road, or any Part thereof, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in the said Trustees for the Time being, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied to the Purposes of this Act; and the said Trustees, or any Five or more of them, are hereby empowered to give in Exchange any Part or Parts of the Lands constituting the 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, or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the said County, shall be good and effectual in Law to all Intents and Purposes whatsoever; but this Act shall not extend to the taking down of any Dwelling House or other Building, or to the taking in of any Orchard, Garden, Yard, Park, Planted Walk or Avenue to a House or Plantation or Nursery of Trees, without the Consent of the Owners or Proprietors thereof, and other Persons interested therein.

Not to extend to the taking down of any Dwelling House, &c.

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

XLVI. Provided always, That Lords of Manors, or other Proprietors, shall have the same Interest and Property in and to the Soil and Royalties of or within such new Roads as they were seised or possessed of, or entitled unto, in the former Roads, and in lieu whereof such new Roads shall be made; and that all Mines, Minerals, and Fossils, lying under any Grounds made use of for the Purposes of this Act, and not constituting any Part or Parts of the present Road, as well as under the former Road, shall continue to be the Property of the Person or Persons who would, from Time to Time, have been seised of or entitled to the same, in case this Act had not been made; and in case the Owner of any such Ground shall require a Certificate from the said Trustees of the Quantity and Situation of Ground so made use of, the said Trustees, or any Five or more of them, are hereby empowered and required to grant such Certificate *gratis*, and such Certificate may be inrolled in the Office of the Clerk of the Peace for the said County of *Northumberland*, and a true Copy thereof, signed by such Clerk of the Peace or his Deputy, shall be deemed legal Evidence of the same.

Trustees not to act concerning Purchases where interested.

XLVII. Provided also, That no Person shall act as a Trustee in any Case relating to the contracting for, or purchasing of, any Lands, Grounds, or Hereditaments, wherein he shall be interested.

XLVIII. And

XLVIII. And be it further enacted, That the Money or Recompence to be paid for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon, and subject to, the like Uses, Trusts, and Limitations, as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used for the Purposes of this Act, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money shall 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, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twenty-fourth of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General, for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust, with all convenient Speed, to be re-invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be exist-

[*Loc. & Per.*]

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For re-invest-
ing Purchase
Monies.

ing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively as would, for the Time being, be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled, by virtue of this Act.

How the Expences of the Jury, etc. are to be paid.

XLIX. 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, Messuages, Tenements, or Hereditaments, or for any such Loss or Damage than what shall have been agreed to, and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property, or any Loss or Damage as aforesaid; then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, for ascertaining and determining the Value of any such Right, Property, or Interest, or the Losses or Damages sustained as aforesaid, shall be paid by the said Trustees; but if any Jury or Juries, so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more, or for less Monies than shall have been agreed to, and offered by the said Trustees, or any Five or more of them, before 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, Messuages, Tenements, 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 said County, not being interested in the Matter in question, (who is and are hereby empowered and required to examine, ascertain, and settle the same), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person and Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same 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 absent to be charged with only Half the Expences.

L. Provided always, and it is hereby declared, That in Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, One Half of such Costs and Expences shall be deducted out

out of the Purchase Money, and the other Half shall be paid by the said Trustees in Manner aforesaid.

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

Trustees to fence the new Roads.

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

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

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

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

LIV. Provided always, That all and every Person and Persons, who by Law are chargeable with the repairing of any particular Part or Parts of the said Road, shall still remain so chargeable, and also shall do their respective

Lands liable to the Repair of Roads to continue so.

respective Statute and other Work, in or upon the other Highways of the Parishes, Townships, or Places, in which such Part or Parts of the said Road do lie, in the like Manner as he, she, or they, was or were accustomed to do, or ought to have done, before or at the Time of the Commencement of this Act.

Justices to apportion the Statute Work.

LV. And be it enacted, That it shall be lawful for any Two or more Justices of the Peace for the said County of *Northumberland*, and they are hereby required and empowered at any Petty or Special Sessions of the Peace, upon Application to them made by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work shall yearly and every Year be done on the said Road by the Inhabitants of each or any of the Parishes or Townships in or through which the said Road doth lie; which Statute Duty shall be done and performed within the respective Parishes and Townships, and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors of the said Road, by them to be appointed, shall direct or require.

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

LVI. And be it further enacted, That the respective Surveyor and Surveyors of the Highways for the Time being of all and every the Parishes, Townships, Places, and Divisions, in which the said Road doth or shall lie, shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand made to him or them, in Writing, by the Surveyor or Surveyors, or by the Clerk or Treasurer of the said Road, to be appointed by the said Trustees, give and deliver in to the Person making such Demand, a true and exact List or Account, in Writing, under his or their Hand or Hands, of the Christian and Surnames of all and every Person and Persons in the said respective Parishes, Townships, Places, and Divisions, who are by Law chargeable towards the repairing of the said Road, in any of the said Parishes, Townships, Places, or Divisions, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and the said Parish or Township Surveyor or Surveyors for the Time being respectively, within Ten Days after Notice shall be given to them, or either of them, by the said Turnpike Surveyor or Surveyors, of the Time when, where, and how many of the Persons, so chargeable as aforesaid, he or they would have to perform such their respective Statute or Day's Work, so adjudged and appointed as aforesaid, in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof, in their respective Parish Churches or Chapels, or in such other Manner as shall be thought most convenient to the said Persons so chargeable as aforesaid, or otherwise according to the Laws now in that respect subsisting; and if any Parish or Township Surveyor or Surveyors shall refuse or neglect to do as he or they are hereby required and directed to do, or shall wilfully return incorrect or imperfect Lists, he or they, for every such Refusal or Neglect, or incorrect or imperfect Return, shall forfeit and pay the Sum of Five Pounds; and in case any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards the repairing of the said Road, shall, after such Summons or Notice given as aforesaid, neglect or refuse to send their respective Teams, Draughts, Carts, or Wains, furnished with Labourers, Oxen, or Horses, according to the Custom of the Country, where such Work is to be performed,

Highway Surveyors to summon Persons liable to Statute Work.

Penalty on Neglect.

Persons keeping Teams, and refusing to send them to Work, to pay Ten Shillings a Day.

formed, and proper Tools to do and perform such their respective Day's Work upon the said Road, so to be adjudged and appointed as aforesaid, he, she, or they, so neglecting or refusing, shall forfeit and pay the Sum of Ten Shillings for every Day that each Team, Draught, Cart, or Wain, shall be wanting, or not duly employed in the Service; and if any Labourers or other Persons, so chargeable towards repairing the said Road, shall, at any Time, neglect or refuse (after such Summons or Notice as aforesaid) to do and perform such their respective Day's Work upon the same Road, they shall respectively forfeit and pay the Sum of One Shilling and Sixpence for every Day's Neglect; and if any Persons who shall, according to such Summons or Notice as aforesaid, come to work as Labourers, or shall be sent with any Team, Draught, Cart, or Wain, to work on the said Road, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done, then and in such Case the Turnpike Surveyor or Surveyors may, and is and are hereby empowered and required to discharge and dismiss such Persons who shall be so found idle, negligent, or not doing their Work, and it shall be deemed and taken as if such Persons had not come, or as if such Team, Wain, Draught, or Cart, had not been sent to work on the said Road; and they shall respectively be subject and liable to the respective Forfeitures and Payments before-mentioned, in the same Manner as if they had neglected or refused to do and perform the said respective Day's Work so ordered and appointed as aforesaid, which said Forfeitures shall be recovered, levied, and applied, as hereinafter is mentioned.

Labourers not attending to pay One Shilling and Sixpence per Day.

Those found idle to be subject to the like Payments.

LVII. And be it enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered to compound or agree by the Year, or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, and Places, through which the said Road shall lead, to compound and agree by the Year, or otherwise, with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part of the same Road; all which Composition Monies aforesaid shall be, from Time to Time, paid in Advance, and shall be applied in the Repair of the said Road, and all such Surveyors shall be reimbursed the Monies by them paid in such Manner as hereinafter mentioned.

Trustees may compound for Statute or other Work.

LVIII. Provided always, and be it enacted, That in case any Composition Money agreed to be paid for or in lieu of any Statute or Day's Work, of the Inhabitants of any Parish, Township, or Place, wherein the said Road doth 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 Five or more of them, or any one or more Justice or Justices of the Peace for the said County

Composition Monies, how to be recovered.

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of *Northumberland*, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Person or Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition Money, (Oath having been first made that the same hath been demanded and remains unpaid, which Oath the said Trustees, or any Five or more of them, or the said Justice or Justices, are and is hereby empowered and required to administer), to levy such Composition Money by Distress and Sale of the Goods of the Person or Persons so having compounded for any Statute or Day's 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 Day's Work such Composition shall be made, returning the Overplus (if any) to the respective Owners of the Goods so distrained, upon Demand, after the Charges of such Distress and Sale shall have been thereout deducted.

How Highway Surveyors are to be reimbursed the Composition Money.

LIX. 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 Day's 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 or reimbursed the Composition Money which shall be so paid by or recovered of him or them as aforesaid, together with the Costs and Charges of such Distress and Sale, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing the said Highways.

Surveyors of Highways to account to the Trustees for Composition Money.

LX. And be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, when and as often as they shall think it expedient, by Writing under their Hands and Seals at any publick Meeting to be held for the Purposes of this Act, to summon all and every or any of the Surveyors of the Highways for the Time being, of all or any of the Parishes, Townships, or Places, (the Inhabitants whereof are liable to do and perform Statute Work on the said Road or any Part thereof), to appear before them, or any Five or more of them, at any future or subsequent Meeting, and then deliver in to them, or any Five or more of them, a full, true, just, and regular Account in Writing of all and every Sum and Sums of Money by them severally and respectively received for and in lieu of or as a Composition for Statute Work in their several and respective Parishes, Townships, or Places, (which Account shall be certified upon Oath, to be then and there administered by the said Trustees, or any Five or more of them); and in case the Person or Persons so summoned shall not appear at the Time and Place therein appointed, or shall refuse to give and deliver in such Account as aforesaid, upon Oath, or to pay the Treasurer of the said Road in Manner as directed by the said Trustees, or any Five or more of them, within Five Days after the Time limited for producing the said Accounts, or whereon the same ought to have been produced, One full Half Part of all such Composition Money as they, or any of them, shall have

have received, or (without their wilful Neglect or Default) might have received, that then and in all or any of the said Cafes, the Person or Persons so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

LXI. 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, in the Execution of any Part of this Act, every such Person or Persons so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty on Persons obstructing the Execution of this Act.

LXII. And be it further enacted, That the said Trustees, or any Five or more of them, shall be and are hereby empowered and required to cause the said Road to be measured, and Mile Stones or Posts to be set up, and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon denoting the Number of Miles and Distance of Places, and also proper Direction Posts where any other Roads lead out of or into the said Road hereby directed to be repaired, with Inscriptions thereon denoting to what Place or Places such other Road or Roads respectively do lead, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully break or pull down, dig up, injure, or destroy, any of the Stones or Posts which shall be so fixed or set up, or erase, obliterate, or deface, any of the Inscriptions or Letters which shall be engraven or made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Roads to be measured, and Mile Stones erected.

LXIII. 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, (excepting only on crossing the same), any Tree or Piece of Timber, or any Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheeled Carriages, to drag upon any Part of the said Road, to the Prejudice thereof, every such Person shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings, nor less than Ten Shillings.

Penalty for drawing Timber and Stone on the Road.

LXIV. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing, the said Road, or any Part or Parts thereof; and for erecting, building, and making Arches and Bridges upon the same; and for erecting Mile and Direction Stones or Posts thereon; and for making any Hedges or Fences, or turning, altering, widening, or making, any Part or Parts of the said Road, or for doing any other Work to be performed in the Execution of this Act, in such Manner, and for such Sum or Sums of Money, as the said Trustees, or any Five or more of them, shall think proper.

Trustees may contract for Repairs.

Contracts to
be binding.

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

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

LXVI. 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 for the said County of *Northumberland*, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant or Warrants, under the Hand and Seal, or Hands and Seals, of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and to administer such Oath, *gratis*), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels, and all such Penalties, Forfeitures, and Fines, when so paid or levied, (if not directed to be otherwise applied by this Act), shall, from Time to Time, be paid to the said Trustees, or any Five or more of them, or to their Treasurer for the Time being, and shall be laid out and applied in putting this Act in Execution; and in case sufficient Distress shall not be found, or such Penalties, Forfeitures, and Fines, shall not be forthwith paid, it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol, or House of Correction, for the said County, 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.

LXVII. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form of Words to the same Effect :

Form of Conviction.

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

LXVIII. And

LXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this Act, (save and except the Verdict of the Jury with respect to the Value of Lands, Messuages, or Tenements, in turning, altering, widening, or making, any Part or Parts of the said Road as hereinbefore is directed), and for which no particular Relief hath been hereinbefore 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 Quarter Sessions of the Peace for the said County of *Northumberland*, 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 County, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded against him, her, or them, by the Justices at such Quarter Sessions; and the said Justices, at their said Sessions, on due Proof of such Notice being given as aforesaid, and of entering into such Recognizance, shall proceed in and hear, and finally determine, the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing, or appealed against, as the said Justices respectively shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Persons aggrieved may appeal to the Quarter Sessions.

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

Distress not unlawful for Want of Form.

LXX. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter or Thing to be done or transacted in, or relating to the Execution of this Act, shall be quashed for Want of Form, or be liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; any Law or Statute to the contrary notwithstanding.

Conviction, &c. not to be quashed for Want of Form, nor removed by *Certiorari*.

LXXI. And be it further enacted, That all Orders and Proceedings of the said Trustees, in the 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

Books to be kept.

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

LXXII. 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 such Clerk, without the Consent of the said Trustees, or any Five or more of them; 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.

Clerk to be reimbursed his Expences.

LXXIII. 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.

Inhabitants may be Witnesses.

LXXIV. And be it further enacted, That any Inhabitant of any Parish, Township, District, or Place, in which any Offence may be committed against this Act, shall be deemed and adjudged to be a competent Witness, notwithstanding his or her being an Inhabitant of such Parish, Township, District, or Place.

Limitation of Actions.

LXXV. 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 next after the Fact committed; and every such Action or Suit shall be laid or brought in the said County of *Northumberland*, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his or their Election, plead specially, or the General Issue, Not Guilty, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been so brought before Ten Days Notice thereof was given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than the said County of *Northumberland*; then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law.

General Issue.

Treble Costs.

LXXVI. And be it further enacted, That this Act shall be adjudged, Publick Act, deemed, and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

LXXVII. And be it further enacted, That this Act shall commence Commence- upon the Twenty-fourth Day of *June* One thousand seven hundred and ment and ninety-nine; and shall continue and be in Force for Twenty-one Years, Continuance and from thence to the End of the then next Session of Parliament. of the Act.

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