



ANNO QUINQUAGESIMO

GEORGI III. REGIS.

Cap. 49.

An Act to continue and amend Three Acts passed in the Twenty-second Year of His late Majesty, and the Fourteenth and Thirty-sixth Year of His present Majesty, for repairing the Road from *North Shields*, in the County of *Northumberland*, to the Town of *Newcastle-upon-Tyne*, and to make and repair certain additional Branches of Road communicating therewith. [18th April 1810.]

WHEREAS an Act was passed in the Twenty-second Year of the the Reign of His late Majesty King *George the Second*, intituled, *An Act for repairing the Road from North Shields, in the County of Northumberland, to the Town of Newcastle-upon-Tyne*: And whereas another Act was passed in the Fourteenth Year of the Reign of His present Majesty, intituled, *An Act to enlarge the Term and Powers of an Act passed in the Twenty-second Year of His late Majesty King George the Second, for repairing the Road from North Shields, in the County of Northumberland, to the Town of Newcastle-upon-Tyne*: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His said present Majesty, intituled, *An Act for continuing the Term of certain Acts for repairing the Road from North Shields, in the County of Northumberland, to the Town of Newcastle-upon-Tyne*: And whereas a considerable Sum of Money hath been borrowed upon the Credit of the Tolls authorized to

be collected upon the said Road, a great Part of which Money still remains due: And whereas the Entrance by the said Road, into the Town of *Newcastle-upon-Tyne* aforesaid, leads into, upon, and along the public Quay or Wharf there, and by Reason of the great Increase of Carts and other Carriages conveying Goods and Merchandize landed upon and shipped from such Quay or Wharf, and the increased Intercourse between the Towns of *Newcastle* and *North Shields* aforesaid, such Entrance hath of late Years become and is now dangerous and inconvenient, and it would therefore be of great Convenience to all Persons travelling the said Road, and open a more direct and commodious Entrance into the Town of *Newcastle* aforesaid, if a new Branch were made to lead out of the said Road upon or near to the Line of a certain Lane running between Lands of *Sir Matthew White Ridley* Baronet, on the West Side of *Saint Ann's Row*, in the Parish or Parochial Chapelry of *All Saints* in the Town of *Newcastle-upon-Tyne* aforesaid, to a Place called *Redbarns*, in the same Parish or Chapelry, and to be thence extended in a Westerly Direction through other Lands and Grounds of the said *Sir Matthew White Ridley*, and the Lands and Grounds of the Right Honourable *Sir William Scott* Knight, across *Sheild-Field-Lane*, at the East End of *Pleasant Row*, and from thence leading over *Pandon Dean* through the several Lands and Grounds of *James Atkinson*, the Devisees of *Nathaniel Ellison* deceased, *John Graham Clarke*, and the Corporation of *Newcastle*, and to communicate with and lead into the North End of a certain Street in the said Town of *Newcastle-upon-Tyne* called *Pilgrim-Street*; and if another Branch or Communication were made to lead from the last-mentioned Branch at the said Place called *Redbarns*, in an Easterly Direction upon or near to the Line or Scite of the present Township Road, and over other Part of the Lands of the said *Sir Matthew White Ridley*, to certain Messuages and Premises belonging to *Thomas Thompson*, *Robert Reay*, and *James Richardson*, and thence crossing the *Ouseburn* at or near the old County Bridge, and running through Lands of *Sir John Lawson* Baronet, to join the present Road at a Place about Sixty-seven Yards to the Northward of the present Toll-Bar at or near *Byker Buildings*, in the Township of *Byker*, in the said County of *Northumberland*: And whereas by reason of the increased Intercourse between the Town of *Newcastle-upon-Tyne* aforesaid, and the Town or Village of *Tynemouth* near *North Shields* aforesaid, in the said County of *Northumberland*, it would also be of great publick Utility if the said Turnpike Road was extended to the said Town or Village of *Tynemouth*, by making, maintaining, and keeping in Repair a certain other additional Branch leading out of the said Road at or near to a Publick-House now occupied by *Robert Riddle*, Innkeeper, along the present Township Road leading to and past *Tynemouth* Church, to the North End of a Ropery belonging to *William Linskill* Esquire, and from thence following the present Occupation Road and publick Bridle-Way, lying on the Southermost Boundary of the Lands and Grounds of the said *William Linskill*, and leading into the Lands and Grounds of *Stephen Wright*, and *John Walker*, and through such Lands and Grounds, to and into the present Township Road, from the low Lights to *Tynemouth*, at or near *Tynemouth* House of Correction, along such Road to and into the said Town or Village of *Tynemouth*: And whereas the Money which still so remains due upon the Security of the said Tolls as aforesaid cannot be paid off, nor can the present Road be kept in Repair, nor the said Branches made unless the Tolls authorized by the said recited Acts to be collected, be increased, and new Tolls be granted, and unless the

Term of the said Acts be enlarged, and the Powers and Provisions thereof varied and extended, and new and additional Powers and Provisions granted: 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 the several Enactments, Authorities, Powers, Provisions, Exemptions, Clauses, Matters, and Things contained in the said recited Acts, and which are now in Force (except such as relate to Exemptions from Stamp Duties), shall have Continuance and be in full Force and Effect during the Term herein-after granted, as effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained; and this Act and the said additional Term hereby granted shall be subject and liable to the Payment of all Money now due, and which shall be borrowed on the Credit of the said former Acts, or of this Act, and the Interest due and to grow due thereon, save and except as herein-after is otherwise provided in that Behalf.

Acts continued for a further Term.

II. And be it further enacted by the Authority aforesaid, That the Right Honourable Earl *Percy*, *William Smith*, *David William Smith*, *Thomas Shadforth*, *Mansfeldt Cardonnell Lawson*, *William Wright*, *John Scott*, *John Walker*, *William Metcalfe*, *Cuthbert Bates*, *John Altham*, *Graham Clarke*, *Nathaniel Ellison*, *John Atkinson*, *William Batson*, and *Sanderson Ilderton*, shall be, and they are hereby added to and joined with the surviving and remaining Trustees appointed in or elected by virtue of the said former Acts; and that the said Trustees by and in pursuance of this Act, or of the said former Acts, appointed or elected as by the said former Acts is directed, and not otherwise, shall be, and they are hereby nominated and appointed Trustees for putting in Execution this and the said former Acts.

Additional Trustees.

III. Provided always, and be it further enacted, That no Person shall be qualified or capable of acting as a Trustee in the Execution of the said former Acts, or of this Act, unless in his own Right or in Right of his Wife, he shall be in the actual Enjoyment of and in Receipt of Rents and Profits of Messuages, Lands, or Hereditaments, of Freehold, Leasehold, Copyhold, or customary Tenure, of the yearly Value of One hundred Pounds above all Reprizes, or shall be possessed of a personal Estate of the clear Value of Two thousand Pounds, or shall be Heir apparent of a Person possessed of a Freehold Estate in Messuages, Lands, or Hereditaments, of the clear yearly Value of Three hundred Pounds, and unless he shall take and subscribe an Oath in the presence of Five or more of the Trustees heretofore appointed, or to be appointed by or in pursuance of this Act, and who are hereby authorized and empowered to administer the same in the Form or to the Effect following; that is to say,

Qualification of Trustees.

‘ I *A. B.* do swear, That I am truly and *bonâ fide* in the actual Enjoyment of, and in the Receipt of the Rents and Profits of Messuages, Lands, or Hereditaments of the yearly Value of One hundred Pounds above all Reprizes [or, as the Case may require, that I am possessed of a personal Estate of the clear Value of Two thousand Pounds, or that I am Heir

Trustees Oath.

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‘ apparent of a Person possessed of a Freehold Estate of the clear yearly Value of Three hundred Pounds], and that I will impartially, faithfully, and honestly execute the several Powers vested in me as a Trustee, by the several Acts passed for making and maintaining the Turnpike Road from *North Shields* and *Tynemouth* to *Newcastle-upon-Tyne*.

‘ So help me GOD.’

Penalty on Trustees acting not being qualified.

IV. And if any Person so made incapable to act as Trustee for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed, and no other Proof or Evidence shall be required on the Part of the Plaintiff or Prosecutor in any such Action, Suit, Bill, or Information, than that such Person has acted as a Trustee in the Execution of the said Acts, or this Act, or any of them; and such Person, in order to defend himself against any such Action, Suit, Bill, or Information, shall be obliged to prove his Qualification in Manner herein-before required: Provided, That all Acts done by any Trustee not duly qualified as aforesaid, prior to the Proof of his Disqualification, shall be good and valid notwithstanding the Want of such Qualification: Provided also, That no Person who has duly qualified himself to act as Trustee under the said former Acts, in Manner for that Purpose prescribed by the same Acts, or any of them, shall be required to qualify himself again to act as Trustee under this present Act; but every Person so duly qualified shall act under this present Act without any further Qualification, and without incurring any of the Penalties or Forfeitures hereby imposed for want of the Qualification hereby required.

New Branches.

V. And be it further enacted, That it shall be lawful for the said Trustees to make and open out a Branch to the said present Turnpike Road, to lead out of the said Road from the West Side of *Saint Ann's Row* aforesaid, and thence to proceed by the said Place called *Redbarns*, to the North End of *Pilgrim-Street* in *Newcastle-upon-Tyne* aforesaid, in the Manner and according to the Direction herein-before set forth; and also another Branch or Communication from the last-mentioned Branch at the said Place, called *Redbarns*, to lead to and join the said present Turnpike Road on the Northward of the said Toll Bar near *Byker Buildings* aforesaid, in the Manner and according to the Directions herein contained; and also that it shall be lawful for the said Trustees to make and open another Branch, to lead out of the said Road at or near to the said Publick House occupied by the said *Robert Riddle*, to the Town or Village of *Tynemouth* aforesaid, in the Manner and according to the Directions herein contained.

Road to be made according to the Plan.

VI. And whereas Maps or Plans describing the Lines of the said intended Branches of Road, and the Lands through which the same are to be carried, together with Books or Schedules of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the respective Clerks of the Peace of the County of *Northumberland*, and the Town and County of the Town of *Newcastle-upon-Tyne*; be it therefore

therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerk of the Peace for the said County, and Town and County, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying such Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and at the Rate of Four-pence for every Seventy-two Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees in making the said Road shall not deviate more than One hundred Yards, of Three Feet each, from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politick, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

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

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Misnomers in
the Plan.

VIII. And be it further enacted, That in Order that the said new Branches may be made in Manner aforesaid, it shall be lawful for the said Trustees, and they are hereby authorized and empowered to treat, contract, and agree with any Person or Persons seized of or interested in any Messuages, Lands, Tenements, or Hereditaments, which shall be situate on the Line of such Branches for the absolute Purchase of such Messuages, Lands, Tenements, or Hereditaments, or of so much thereof in such Part or Parts thereof as shall be necessary for the Purpose of making the said Branches respectively, (reserving nevertheless to the respective Proprietors of such Lands the Mines and Minerals under the same); and the said Trustees are hereby also empowered to cause all Messuages, Buildings and Erections, standing upon the Lands and Hereditaments so to be purchased by them as aforesaid, to be pulled down and removed, and the Grounds or Scites thereof, and the other Lands so to be purchased, or so much of the same as shall be necessary to be laid into and used in forming the said new Branches; and also that it shall be lawful for the said Trustees to make, erect, and construct Bridges, Mounds, Aqueducts, Levels, Embankments, and other Works on the Grounds or Scites of Messuages, and upon other the Lands and Hereditaments to be so purchased as aforesaid, whenever the same shall be necessary or convenient for making and completing the said Branches, and so from Time to Time as often as the said Trustees shall deem it expedient and necessary; and also at any Time or Times afterwards to raise, widen, enlarge, alter, or otherwise improve the said Branches, within such Distance, and subject to such Consent as hereinbefore mentioned; and also that the said Trustees shall cause to be made good and sufficient Walls or Fences where necessary, so as effectually to guard and fence off the Lands through which the said Branch Roads respectively shall pass, and shall be at Liberty to enter into Agreements with

Power to
Trustees to
purchase
Lands.

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the Owners or Proprietors of the adjoining Lands respecting the future Property and Repairs of such Walls and Fences: Provided that the said Trustees shall leave Gateways and Openings in such Walls or Fences wherever the Owners or Occupiers of such Lands shall require it, so that their Request be put in Writing and signed by the Party making the same, and delivered to or at the Office of the Clerk to the said Trustees previously to the making of such Fences.

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

IX. Provided always, and be it further enacted, That nothing in this Act contained shall empower the said Trustees, or any other Person or Persons to pull down or damage any Dwelling house or other Buildings, or to take away or damage any Ground having been used as a Garden, Orchard, Yard, Walk or Avenue to a House or Plantation, or Nursery of Trees, for the Space of Twelve Calendar Months then last past, (other than and except the Houses, Buildings, Gardens, Orchards, Yards, Walks, Avenues, Plantations, and Nurseries comprised in the Schedule to this Act,) without the Consent in Writing of the Owner or Owners of every such Dwelling House or other Building, Garden, Orchard, Yard, Walk, Avenue, or Plantation, or Nursery of Trees, his, her, or their Agent or Agents, under their respective Hands for that Purpose first had and obtained.

Directions as to the Width of the new Branches.

X. Provided always, and be it further enacted, That the said new Branch to lead from the West Side of *Saint Ann's Row* aforesaid, by the said Place called *Redbarns*, to the North End of *Pilgrim-Street* aforesaid; and the said Branch from the said Place called *Redbarns*, to join the present Road on the Northward of the said Toll Bar near *Byker Buildings* aforesaid, shall not respectively be made more than Sixty Feet wide without the Consent of the Proprietors of the Lands or Grounds through or by which the said Branches shall respectively pass, nor shall the said new Branch to lead from the said Publick House occupied by *Robert Riddle* to *Tynemouth* aforesaid, be made more than Thirty Feet wide, without the Consent of the Proprietors of the Lands or Grounds through or by which the same shall pass.

Power to make Causeways and Footpaths.

XI. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Road, or such other Person or Persons as shall be appointed by Order of the said Trustees, to make Causeways or Footpaths along the Sides of the said present Road, and the said new Branches respectively, and to cut and make Drains and Watercourses from the said Road, and Branches through any Grounds lying contiguous thereto, and to erect and keep in repair Bridges and Arches over the same; and also to make Ditches and Trenches in such Places and in such Manner as such Surveyor or Surveyors or other Person or Persons shall judge necessary, and to make all other proper Conveniences on the said Road and Branches.

Former Tolls to cease.

XII. And be it further enacted by the Authority aforesaid, That instead and in lieu of the Tolls by the said recited Acts granted, the following Tolls shall and may be demanded and taken at the several Toll-gates or Turnpikes already erected or which shall hereafter be erected upon the present Turnpike Road and the said new Branches of Road, in pursuance of the said recited Acts, or this Act, the several Tolls or Sums of Money herein-after mentioned; that is to say,

For

	Tolls upon the present Road		Tolls upon the Branches.		New Tolls.
	s.	d.	s.	d.	
For every Horse drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, or such other like Carriage, the Sum of	0	4 $\frac{1}{2}$	0	1 $\frac{1}{2}$	
For every Horse, Mare, Gelding, Mule or Ass, laden or not laden, and not drawing, the Sum of	0	1 $\frac{1}{2}$	0	0 $\frac{1}{2}$	
For every Drove of Oxen, Cows, or Neat Cattle, Nine-pence per Score, and so in proportion	0	9	0	3	
For every Drove of Calves, Hogs, Goats, Sheep, or Lambs, Four-pence-halfpenny per Score, and so in proportion	0	4 $\frac{1}{2}$	0	1 $\frac{1}{2}$	
For every Four wheeled Waggon, Wain, Cart, or Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, drawn by Four, Five, Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of	1	8 $\frac{1}{2}$	0	7	
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and drawn by Three, Four, or Five Horses, Oxen, or other Beasts of Draught, the Sum of	1	1 $\frac{1}{2}$	0	4 $\frac{1}{2}$	
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of	0	7	0	2 $\frac{1}{2}$	
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and drawn by One Horse, Ox, or other Beast of Draught, the Sum of	0	3 $\frac{1}{2}$	0	1 $\frac{1}{2}$	
For every Four wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of	3	8	1	3	
For every Four wheeled Waggon, Wain, Cart or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of	2	6 $\frac{1}{2}$	0	10 $\frac{1}{2}$	
For every Four wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Four Oxen, or by Three Horses, Mares, or Geldings, the Sum of	1	8 $\frac{1}{2}$	0	7	

	Tolls upon the present Road.		Tolls upon the Branches.	
	s.	d.	s.	d.
For every Four wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Two Horses or Two Oxen, the Sum of -	0	7	0	2 $\frac{1}{2}$
For every Four wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by One Horse the Sum of -	0	3 $\frac{1}{2}$	0	1 $\frac{1}{2}$
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of -	3	8	1	3
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Four Oxen, or by Three Horses, Mares, or Geldings, the Sum of -	1	8 $\frac{1}{2}$	0	7
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of -	0	7	0	2 $\frac{1}{2}$
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by One Horse, Ox, or other Beast of Draught, the Sum of -	0	3 $\frac{1}{2}$	0	1 $\frac{1}{2}$
For every Four wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of -	3	8	1	3
For every Four wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of -	2	6 $\frac{3}{4}$	0	10 $\frac{3}{4}$
For every Four wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of -	1	8 $\frac{3}{4}$	0	7

	Tolls upon the present Road.		Tolls upon the Branches.	
	s.	d.	s.	d.
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of -	3	8	1	3
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of -	2	6 $\frac{3}{4}$	0	10 $\frac{3}{4}$
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of -	1	8 $\frac{3}{4}$	0	7
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of -	0	7	0	2 $\frac{3}{4}$
For every Two wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth or Gauge than Six Inches, and drawn by One Horse, Ox, or other Beast of Draught, the Sum of -	0	3 $\frac{3}{4}$	0	1 $\frac{3}{4}$

Which said several and respective Tolls shall be collected, taken, recovered, applied, assigned, leased, and otherwise managed and disposed of, and shall be subject to the same Provisions and Limitations, as is directed and provided by the said recited Acts, with respect to the Tolls thereby respectively granted, (except as is otherwise directed and provided by this Act).

XII. Provided always, That no more than one full Toll shall be demanded or taken from any Person or Persons for passing the whole Length of the said present Road, and only one full Toll shall be demanded or taken from any Person or Persons passing in each Branch thereof; (that is to say), one full Toll for passing on the said Branch thereof leading into the Town of *Newcastle* aforesaid (including the said other Branch to be made from *Redbarns* to near *Byker* Toll-Bar aforesaid); and one full Toll for passing on the Branch leading into the Town or Village of *Tynemouth* aforesaid; and no more than one full Toll shall be demanded or taken from any Person or Persons for passing or repassing the same Day with the same Horses, Cattle, Beasts, and Carriages, through all the Tollgates or Turnpikes now erected or to be erected upon the present Turnpike Road, and the respective Branches thereof, by virtue of the said recited Acts or this Act: Provided nevertheless, That in case any Horses

Number of Tolls limited.

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or Cattle for which any Toll shall be paid, shall on the same Day draw a different Carriage from that with which such Horses or Cattle shall have previously passed through any Tollgate or Turnpike, then such Horses or Cattle shall be liable to the same Toll as if no Toll had been previously paid on such Horses or Cattle.

Exemptions
from Tolls.

XIII. And be it further enacted, That all and every Exemption or Exemptions from the several Tolls and Duties granted and made payable by the said recited Acts or any of them, shall cease and be no longer allowed, and that in lieu thereof the several Exemptions from Tolls hereinafter mentioned shall be allowed; that is to say, That no Toll shall be demanded or taken for any Horse or Carriage passing through any of the Turnpikes or Toll-Gates erected or to be erected upon or on the Sides of the said Road, carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Chalk, Gravel, or other Materials to be used on or about the said Road, or for the repairing any Highways in or near the Parishes, Townships, Districts, or Places, which are liable to perform Statute Duty upon any Part of the said Road, or returning empty when so employed, or carrying or conveying Hay or Corn in the Straw only not to be sold or disposed of, but going to be laid up in the Houses, Out Houses, Barns, or Yards, of the Owners thereof, or any Lime, Mould, Dung, or Compost for manuring Lands, or returning empty when so employed, (except as is herein-after otherwise provided), nor any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands; nor shall any Toll be paid by any Rector, Vicar, or Curate, going to officiate or returning from officiating at any Church, Chapel, or other Place of religious Worship, or when visiting his sick Parishioners, or upon any other his Parochial or Ministerial Duty; or by any other Person or Persons residing in the said Parishes, Townships, Districts, or Places, who shall pass through the said Turnpikes or Toll-Gates to or from Church, Chapel, or other Place of religious Worship, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts, or Places; nor for any Horses, Mares, Geldings, Mules, Asses, or Cattle, which are kept within such Parishes, Townships, Districts, or Places, by or through which the said Road shall pass, going to or returning from Work in cultivating the Lands within the same or any of them; nor for any Horses, Mares, Geldings, Mules, Asses; Cattle, Sheep, Lambs, Goats, or Hogs, which are to be kept within the said Parishes, Townships, Districts, or Places, going to or returning from Pasture on the Commons or other Grazing Grounds, or Watering Places, or Blacksmiths' Shops within the same, or any of them; nor for any Horse or other Beast of Draught, or Carriage employed in carrying or conveying any Furze, Peats, Turf, or Heather for Fuel, or returning empty having been so employed; nor for any Horses or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding the same, or in returning back from conveying the same; or for the Horses of Soldiers on the March or on Duty, or Carriages or Horses or other Beasts, employed in carrying the Arms or Baggage of such Soldiers; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him in going to or returning from the Place appointed for and on the Days of Exercise; provided such Persons are in the

Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses, or other Cattle, drawing the same, which shall be employed in conveying any Ordnance, Barrack or Commissariat, or other publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Carriage, Horse, or other Beast, employed in the Conveyance of Vagrants travelling with legal Passes, or travelling with Vagrants sent by legal Passes; nor for any Horse or Carriage going to or returning from any Election of a Knight, or Knights of the Shire to serve in Parliament for the County of *Northumberland*, or of a Burgess or Burgessees to serve in Parliament for the Town of *Newcastle-upon-Tyne*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever whereby the Payment of the said Tolls or any Part thereof shall be evaded, every such Person for every such Offence shall forfeit and pay a Sum not exceeding Five Pounds; provided that no Carriage or Horses employed in carrying Lime, Mould, Dung, or Compost, for manuring Lands at any Time between the First Day of *November* and the First Day of *April* in any Year, shall be exempted from the aforesaid Tolls.

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

Carriages employed in His Majesty's Service not to be subject to Regulations for Overweight.

XV. And be it further enacted, That the said Trustees at any Meeting to be holden for that Purpose, whereof at least Twenty-eight Days Notice shall be given in Writing affixed on the Toll-Gates erected on the said Road and the Branches thereof, shall be at Liberty, and they are hereby empowered from Time to Time (in Case it shall appear requisite and expedient) to lessen and reduce, and again to raise and advance the Tolls and Duties hereby respectively authorized to be taken, or any of the said Tolls or Duties respectively, in such Manner as they may think fit, so that the respective Tolls so raised shall never exceed the Tolls by this Act authorized to be taken, and so that the respective Tolls hereby granted, or authorized to be taken, or any of them, be never lessened until the Monies to be borrowed on the Credit of the said Tolls respectively under the Powers of this Act with the Interest thereof be repaid, except the Person or Persons entitled to Three-fourth Parts at least of such Monies respectively consent thereto, and so that the Tolls payable on the present Road be never reduced

Power to lessen the Tolls.

reduced below the Rates authorized to be taken by the former Acts, until all the Money borrowed under the Powers of the said former Acts and now remaining due with the Interest thereof be repaid, except the Person or Persons entitled to at least Three-fourth Parts of the said Money consent thereto; and the several Tolls and Duties which after being reduced shall be again raised as aforesaid, shall be collected, and recovered, and applied in the same Manner as the Tolls and Duties hereby authorized to be taken, are directed to be collected, recovered, and applied.

Power for Lessees and their Collectors to recover the Tolls.

XVI. And be it further enacted, That it shall be lawful for the Lessee or Lessees, Farmer or Farmers of any Tolls hereby granted under any Lease or Leases hereafter to be made under the Authority of the said former Acts and this Act, or such Person or Persons as he or they shall by Writing or Writings under his or their Hand or Hands, authorize or appoint to collect, receive, and levy the said Tolls so leased or farmed during the Continuance of the Lease or Leases thereof, as amply and effectually to all Intents and Purposes as any Collector or Collectors, Receiver or Receivers thereof, whomight be appointed by the said Trustees, are authorized and empowered to collect, receive, or levy the same; and the Person or Persons neglecting or refusing to pay any such Tolls to the Lessee or Lessees, Farmer or Farmers thereof, or to such other Person or Persons as he or they shall authorize or appoint as aforesaid, after Demand made thereof, shall incur and be subject and liable to such and the same Forfeitures, Penalties, and Prosecutions for the same, as are herein-before laid on or directed in Case of Neglect or Refusal to pay the said Tolls to the Collector or Collectors, Receiver or Receivers thereof, to be appointed by the said Trustees; and every Person authorized or appointed to collect the said Tolls or any Part thereof, for any such Lessee or Lessees, Farmer or Farmers thereof as aforesaid, shall from Time to Time account with and pay the same to such Lessees or Farmers respectively, in like Manner as the Collectors or Receivers of the said Tolls appointed by the said Trustees, are required to account for and pay such Tolls to the said Trustees, and in Case of Neglect or Refusal so to account or pay the same shall incur and be liable to the like Actions, Prosecutions, Penalties, and Punishments for the same, as the Collectors or Receivers of the said Tolls appointed by the said Trustees would be subject or liable to.

Tolls not to be compounded for.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, or any of them, or any other Person or Persons under their Authority, to compound or agree by the Year or otherwise with any Person or Persons for the Tolls payable by them under or by virtue of this Act, any Thing in the said recited Acts, or any of them, or in this Act, contained to the contrary thereof notwithstanding.

Power to borrow Money to make Branches.

XVIII. And be it further enacted, That in order to defray the Expences of making the several new Branches aforesaid, it shall be lawful for the said Trustees to raise by Subscription any Sum or Sums of Money, and to mortgage the Tolls to be collected on the said Branches for the Repayment thereof, in Manner herein-after directed, with Interest for the same in the Meantime after the Rate of Five Pounds *per Centum per Annum*.

XIX. Provided

XIX. Provided nevertheless, and be it further enacted, That no Interest on the said Sums of Money so to be raised by Subscription as aforesaid, or any of them, shall be paid until the End of Two Years from the passing of this Act, but the Interest which shall in the mean Time become due on the said Sums respectively shall be carried to the Account of the respective Subscribers thereof; and at the End of the said Period of Two Years, and so from Time to Time in every subsequent Year, so long as any of the said Sums shall remain unpaid, the Accounts relating to the said new Branches shall be made up, balanced and settled, and the Money appearing by the said Accounts to be applicable to the Payment of the Interest on the said Sums shall be applied accordingly; and in Case the same shall not be sufficient for the Payment of the whole Amount of the Interest which shall from Time to Time become due in respect of the Sums aforesaid, then the same shall be equally divided between the several Subscribers, their respective Executors, Administrators, or Assigns, according to the Amount of their respective Subscriptions, and the Deficiency of such Interest shall from Time to Time be carried to the Account of the said Subscribers, and shall be paid in some subsequent Year or Years, whenever there shall be Money enough for that Purpose, so that the full Amount of the Interest on the said Sums respectively after the Rate aforesaid may be ultimately paid: Provided that the said Subscribers shall not be entitled to Interest upon or in respect of any Interest which either during the said Period of Two Years, or afterwards, shall remain in Arrear and be carried to the Account of the said Subscribers in Manner aforesaid.

Directions as to the Payment of the Interest.

XX. And be it further enacted, That if any Person or Persons who has entered or shall enter into any such Subscriptions as aforesaid, shall not pay the Amount of his, her or their said Subscriptions, after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk of the said Roads given to him, her, or them, or left at his, her, or their Dwelling-house or usual Place of Abode, requiring the Payment thereof, or shall not pay so much thereof as by any such Notice shall be required to be paid, until the Whole thereof shall be paid, then it shall and may be lawful for the said Trustees to bring or cause to be brought any Action of Debt, or on the Case, Bill, Plaint, or Suit against any Person or Persons so refusing or neglecting as aforesaid his, her, or their Heirs, Executors, or Administrators in any of His Majesty's Courts of Record at *Westminster* for recovering thereof, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlanche shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice having been given as aforesaid, such respective Sum or Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice shall be recovered with full Costs of Suit.

Power to compel Payment of Subscriptions.

XXI. And be it further enacted, That it shall be lawful for the said Trustees to borrow and take up at Interest upon the Credit of the Tolls of the said present Road, any Sum or Sums of Money which they may think necessary for the Purposes of the said former Acts and of this Act, in Addition to the Sum or Sums of Money borrowed on the Credit of the Tolls of the said Road under the Powers of the said former Acts, and still remaining due; and also that it shall and may be lawful for the said Trustees to borrow

Power to borrow Money for general Purposes.

and take up at Interest upon the Credit of the Tolls of the said new Branches, any Sum or Sums of Money which they may think necessary for the Purposes of this Act, in Addition to the Sum or Sums of Money to be raised by Subscription in Manner aforesaid; and that for securing the Sum or Sums of Money to be borrowed by virtue of the Powers herein-before contained to the Person or Persons who shall advance the same, together with lawful Interest for the same, it shall also be lawful for the said Trustees to mortgage the Tolls of the said Road and Branches respectively for the Sum or Sums borrowed on the Credit of the said Tolls respectively and the Interest thereof.

Directions as
to Priority
among the
Mortgages.

XXII. Provided always, That the several Securities given for the several Principal Sums of Money due and owing upon the Credit of the Tolls of the said present Road, or any of them, and the Interest thereof, shall, to the Extent of Two-thirds of the Monies arising from the Tolls of the same Road, and hereby made applicable to the Payment of the said Sums and Interest, but no further, have Priority over the Securities to be given for the Principal Sums of Money which shall hereafter be borrowed on the Credit of the said Tolls, and the Interest of the said Sums; and the several Securities to be given for any Sums of Money to be hereafter borrowed on the Credit of the said Tolls shall have Priority according to their respective Dates or the Times of entering into the same, unless any Provision or Agreement shall be contained in such Securities, or any of them to the contrary.

XXIII. Provided also, That the several Securities to be given for the several Sums of Money which shall be raised by Subscription for defraying the Expence of making and maintaining the said new Branches as aforesaid, and the Interest thereof, shall have Priority over the Securities to be given for any Sum or Sums of Money to be subsequently borrowed on the Credit of the Tolls of the said Branches and the Interest of such Sums: But the last mentioned Securities shall as between each other have Priority or Preference according to the respective Dates or Times of entering into the said Securities, unless any Provision or Agreement shall be contained in such last-mentioned Securities to the contrary.

Form of
Mortgages.

XXIV. And be it further enacted, That the several Mortgages or Securities which shall be given by the said Trustees for securing the Repayment of the Money subscribed, or otherwise to be borrowed by them for the Purposes aforesaid, may be made in the Form following, or with such Variations or Additions as Circumstances may require, or the Trustees making the same may think proper, (*viz.*)

‘ BY virtue of the several Acts passed for making and maintaining the
 ‘ Turnpike Road from *North Shields* to *Newcastle-upon-Tyne* and the
 ‘ new Branches thereof, We whose Names and Seals are hereunto sub-
 ‘ scribed and set, being _____ of the Trustees of the said Road acting
 ‘ under the Authority of the said Acts in Consideration of the Sum of
 ‘ _____ this Day paid by _____ of
 ‘ _____ to the Treasurer of the said Road, do hereby
 ‘ assign and transfer unto the said
 ‘ his Executors, Administrators, and Assigns, for and during the Con-
 ‘ tinuance

Continuance of this Act, the several Tolls arising upon the said Road
 [or, the several Branches of the said Road (as the Case may be)],
 and the several Turnpike Gates and Toll-Houses at which such
 Tolls are and shall be collected with their respective Appurte-
 nances, to hold unto the said _____, his Execu-
 tors, Administrators, and Assigns, for all the Right and Interest of the
 Trustees of the said Road therein, in Mortgage for the said Sum of
 _____ with lawful Interest for the same, payable according
 to the Provisions of the said Acts: In Witness whereof we have hereunto
 set our Hands and Seals, this _____ Day of
 _____ in the Year

And which said Mortgages or Securities shall be entered in a Book to be
 for that Purpose kept by the Clerk or Treasurer to the said Trustees, and
 the respective Persons to whom such Mortgages or Securities shall be made;
 or who shall from Time to Time be entitled to the Benefit thereof, may
 transfer the said Mortgages or Securities respectively, and the Principal
 Money and Interest thereby secured in the Words following, or Words
 to the like Effect:

I the within-named Mortgagee [or, above named Assignee, or otherwise
 describing the Person or Persons transferring, according as the Case may
 require] do transfer this Mortgage and the Principal Money and Interest
 thereby secured unto _____ of
 his Executors, Administrators, and Assigns, for all my Right and Interest
 therein: Witness my Hand this _____ Day of
 _____ in the Year

And every such Transfer shall be produced to the said Clerk or Treasurer,
 who shall cause an Entry thereof to be made in the before-mentioned
 Book, and for which Entry he shall be paid the Sum of Five Shillings, and no
 Assignee shall be entitled to the Benefit of any Transfer until such Entry
 thereof shall be made, but after such Entry shall be made, every such Trans-
 fer shall be considered as passing all the legal Right or Title of the Person
 or Persons making such Transfer in or to all the Principal Money and
 Interest thereby expressed to be transferred.

XXV. And be it further enacted, That the said Trustees shall at any
 Time or Times hereafter be at Liberty, if thereunto required, to receive in
 and cancel all or any of the Mortgages made by virtue of the said
 former Acts, or of this Act, and to grant new Mortgages in lieu
 thereof, and the said Trustees shall also be at Liberty to grant any
 new Mortgage or Mortgages, whenever due Proof shall be made
 to them that any former Mortgage or Mortgages is or are lost or
 destroyed.

XXVI. And be it further enacted, That all the Monies which shall arise
 and be produced by and from the several Tolls by this Act granted and made
 payable, together with the Monies which have been or shall be subscribed
 for carrying this Act into Execution, and the Monies which shall at any
 Time hereafter be borrowed upon the Credit of the said Tolls, or any of
 them, and all other Monies which shall otherwise arise and be produced
 by

Mortgages
to be entered.Form of
Transfers.Transfers to
be entered.Trustees may
execute new
Securities in
certain Cases.Application
of the Trust
Monies.

by virtue of the said recited Acts or this Act, shall be vested in the Trustees of the said Road for the Time being; and the Monies arising from and to be produced upon and secured on the Tolls of the said present Road shall form One Fund, and the Monies arising from and to be produced upon and secured on the Tolls of the said new Branches shall together form another Fund, and the said Two Funds and all Accounts, Matters, and Things relating thereto respectively, shall at all Times hereafter during the Continuance of the said recited Acts and this Act, be kept distinct and separate; and the same shall be respectively applied and disposed of for the several Uses and Purposes, and in the Order and Manner following; (that is to say,) the Monies forming the Fund of the said present Road shall be applied in the First Place in Payment of one Moiety of the Costs, Charges, and Expences incident to or attending the obtaining and passing this Act; in the Second Place in paying the Interest accruing upon the several Principal Sums which now remain due and secured by virtue of and under the said recited Acts, or any of them, or which shall hereafter be borrowed upon the Credit of the Tolls of the present Road; in the Third Place in defraying the Expence of erecting and providing Turnpikes, Toll-Houses, and other Buildings, and of repairing the same, and of altering, raising, widening, repairing and preserving the said present Road and the Bridges and Aqueducts, and other Works thereon, and of executing the other Purposes of the said recited Acts, and of this Act, in respect of or relating to the same Road; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been secured by the said recited Acts, or any of them, and shall be secured in pursuance of the said recited Acts, or of this Act; and the Monies forming the Fund of the said new Branches shall be applied in the First Place in paying the other Moiety of the Costs, Charges, and Expences incident to or attending the preparing and passing of this Act; and in the Second Place in forming, laying out, and making the said Two new Branches, and in purchasing the several Messuages, Buildings, Lands and Grounds, and the several Materials and other Matters and Things necessary for that Purpose, and in defraying the Expences of erecting and providing Turnpikes, Toll-Houses, and other Buildings; in the Third Place in paying the Expence of keeping the said new Branches, and the Turnpikes, Toll-Houses, and other Buildings, and the Bridges, Aqueducts, and other Works thereon in good Repair and Condition; and in altering, widening, raising, or otherwise improving the same as often as there shall be Occasion, and in executing the several Powers of the said recited Acts and of this Act, in respect to the said Branches; in the Fourth Place in paying the Interest accruing upon the several Principal Sums of Money which have been or shall be subscribed, and which may be borrowed upon the Credit of the Tolls of the said new Branches under the Authority of this Act; and lastly, in paying off and discharging the several Principal Sums of Money subscribed or to be subscribed and borrowed on the Credit of the Tolls of the said Branches as aforesaid.

Principal Sums to be reduced and paid off according to ballot.

XXVII. And be it further enacted, That as soon as there shall be a sufficient Surplus of the Monies arising from the Tolls of the said new Branches remaining after paying the Expences incident to the said Branches, and the Interest of the Money so subscribed or otherwise secured on the Tolls of the said Branches as aforesaid, and so from Time to Time as often

often as there shall be any further sufficient Surplus of such Monies, such Surplus shall be applied in paying off the Principal of the Money so subscribed, until the Whole of such Monies shall be discharged, and the said Trustees shall determine by Ballot or by Lot in such Manner as they may think proper, which of the Monies so subscribed shall from Time to Time be so paid.

XXVIII. And be it further enacted, That full, true, and fair Accounts of all the Monies which shall be collected and received, and of all Monies which shall be paid, laid out, or expended by virtue of the said recited Acts and of this Act, and Accounts of all Monies borrowed and remaining due, and the Interest thereof respectively, and of all other Debts owing by the said Trustees, shall once in every Year, at least, be stated and settled by the said Trustees; and Copies thereof, and of all Orders, Resolutions, and other Proceedings, which shall be made or done by the said Trustees in the Execution of the said Acts and of this Act, shall from Time to Time be regularly entered in One or more Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees for the Time being, and such Entries respectively shall be signed by the Clerk or Treasurer making the same, and being so signed, shall be considered as Originals, and shall be allowed to be read in Evidence, and admitted as sufficient Evidence of the Facts therein contained in all Courts and Places whatsoever.

Accounts and Proceedings to be entered in a Book.

XXIX. And be it further enacted, That a Copy of each of the said yearly Accounts, so far as respects the said Subscriptions and the Interest thereof, shall, at the Time when the same shall be so settled as herein-before directed, or within Fourteen Days thereof, be signed by Five or more of the said Trustees, and shall within the Space of Ten Days after the same shall be so signed, be delivered by the Clerk or Treasurer of the said Road for the Time being, to or at the Offices of the respective Clerks of the Peace of the said County of *Northumberland*, and Town and County of *Newcastle-upon-Tyne* respectively, and shall be filed by the said Clerks of the Peace amongst the Records of the Sessions, and the Clerk or Treasurer of the said Road shall within Ten Days after he shall have so delivered in such Accounts, cause Notice thereof to be inserted for Two Weeks in One, at least, of the Newspapers published in *Newcastle* aforesaid, and all Persons whomsoever shall be at Liberty to inspect such Accounts and to take Copies thereof, paying to the Clerk of the Peace for every such Inspection the Sum of Two Shillings and Sixpence; and for every Copy after the Rate of Four-pence for every Seventy-two Words.

Yearly Accounts to be delivered to the Clerks of the Peace.

XXX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Committees, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Females Covert, Idiots, Lunatics, or other *Cestuique* Trusts, and for all Persons seized of any Lands or Hereditaments for Life or in Tail under Limitations in strict Settlement, who shall be in the Receipt of or beneficially entitled to the Rents, Issues, or Profits thereof, and for all other Persons whomsoever, who are or shall be seized of or interested in any Lands, Tenements or Hereditaments, to treat, contract and agree with the said Trustees for the Satisfaction to be made for any Damages which

Bodies Corporate, &c. enabled to sell and convey.

[*Loc. & Per.*]

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may

may be done by the said Trustees in the Execution of any of the Powers or Authorities vested in them by the said former Acts or this Act; and also to contract with the said Trustees for the absolute Sale of any Messuages, Lands, Tenements, or Hereditaments which the said Trustees are by this Act enabled to purchase, take, or use in Execution of the several Powers and Authorities aforesaid, and to convey and assure the same Messuages, Lands, Tenements and Hereditaments accordingly, by Deed to be enrolled with the Clerk of the Peace of the County of *Northumberland*, or of the Town and County of *Newcastle-upon-Tyne* (in whichever the Lands may lie), and all such Conveyances and Assurances shall without any Fine or Fines, common Recovery or Recoveries be good, valid, and effectual in Law to all Intents and Purposes whatsoever, any Law or Statute to the contrary notwithstanding; and all such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Committees, Guardians, and Trustees, and all such other Persons as aforesaid shall be, and they are hereby indemnified for what they shall do in pursuance of this Act.

For ascer-
taining the
Value by a
Jury in cer-
tain Cases.

XXXI. And be it further enacted, That if any Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Committees, Guardians, Trustees, or any other Person or Persons interested in any such Messuages, Lands, Tenements, or Hereditaments, which the said Trustees are enabled to purchase, take, or use, for the Purposes of this Act, upon Notice in Writing under the Hands of the said Trustees, to him, her, or them given, or left 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 Messuages, Lands, Tenements, or Hereditaments, which shall be necessary for the Purposes aforesaid, shall, by the space of One Calendar Month 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, or other Impediment, shall be prevented from treating, then, and in every or any such Case, the said Trustees shall cause it to be inquired into and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the said County of *Northumberland*, or Town and County of *Newcastle-upon-Tyne* respectively, wherein such Messuages, Lands, Tenements, or Hereditaments shall lie or be situate, (which Oath such Trustees are hereby empowered and required to administer), what Damages will be, or shall have been sustained by, and what Price ought to be paid, and what Recompence and Satisfaction ought to be made to such Owners, Occupiers, Proprietors, or other Person or Persons interested for or on account of the Messuages, Lands, Tenements, or Hereditaments which shall be taken or damaged for the Purposes aforesaid; and in order thereto, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein the Messuages, Lands, Tenements, or Hereditaments in question, as aforesaid, do lie, or are situate, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, at such Time and Place and within such County as in such Warrant shall be appointed; and the said Sheriff, or his Under Sheriff, 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

and returned, or out of such of them as shall appear upon such Summons the said Trustees shall swear, or cause to be so 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 Under Sheriff, Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to make up the said Jury to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees acting in the Premises, are hereby authorized and empowered to order and cause the said Jury to view the Premises in question (in case they shall deem it necessary so to do), and shall and may use such other lawful Ways and Means, as well for their own as for the better Information of the said Jury, in the Premises, as they shall think fit; and they are hereby empowered and authorized, by Precept under their Hands, to summon and call before them and the said Jury, all and every Person or Persons whomsoever, in order to be examined as a Witness or Witnesses, upon Oath touching the Premises, (and which Oath the said Trustees are hereby authorized and required to administer); and the said Jury, upon their Oaths, after such Information had as aforesaid, shall assess and find the Value of the said Messuages, Lands, Tenements, or Hereditaments, or the Amount of Damages to be paid, or Recompence or Satisfaction to be made to the Owner or Owners thereof, or Person or Persons interested therein, according to his, her, and their respective Estates and Interests therein, as the Case may require, (Regard being had to the Value of the Mines and Minerals situate under any such Hereditaments, and which are to be reserved to the Proprietors thereof, as herein-before directed); and the said Jury shall give in their Verdict to the Trustees acting in the Premises, who shall thereupon order and adjudge the Sum or Sums of Money assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of, or other Persons interested in the said Messuages, Lands, 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, 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 any Ways interested in such Messuages, Lands, Tenements, or Hereditaments shall, upon Payment or Tender of the Sum or Sums of Money so to be assessed as aforesaid, (but which Payment or Tender shall be so made within the Space of Three Calendar Months from the Day of making such Judgement or Order by the said Trustees as aforesaid), thereby be from thenceforth, to all Intents and Purposes, divested of all the Right, Title, Claim, Interest and Property, to which the Value to be so assessed as aforesaid shall extend or apply, in, or to, or out of the same Lands and Hereditaments; and which said Verdict or Inquisition and Judgement, Order, or Determination, shall be fairly transcribed upon Parchment, and signed by the said Trustees acting in the Premises, and shall be, within Twelve Calendar Months next after the same shall have been

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been so taken and made, returned to the Clerk of the Peace of the County wherein the Messuages, Lands, Tenements, or Hereditaments in question shall lie, or be situate, and shall be by him enrolled, and filed amongst the Records of such County; and the same, or a true Copy thereof, under the Hand of the said Clerk of the Peace, shall be deemed to be, and shall be received as good and legal Evidence in any Court of Law or Equity; and all Persons shall and may have Recourse to, and inspect the same, upon Payment of the Fee of Three Shillings and Four-pence to the said Clerk of the Peace, and may take Copies thereof, or Extracts therefrom, paying to him for the same after the Rate of Four-pence for every Seventy-two Words contained in each such Copy or Extract.

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

XXXII. And be it further enacted, That the said Trustees shall, and they are hereby empowered, from Time to Time, to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, or his or their Under Sheriff or Under Sheriffs, Deputies or Deputy, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn refusing to give, or not giving his or 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 summoned to give Evidence before the said Jury touching the Premises, shall refuse, or neglect to appear, or appearing shall refuse to be sworn, or being sworn to give Evidence; and from Time to Time to levy and apply such Fine or Fines, in the Manner herein-after directed, so as that such Fine shall not exceed the Sum of Five Pounds on any of such Sheriff, Under Sheriff, or his Deputy, nor the Sum of Forty Shillings upon any other Person for any one Offence.

Notice to be
given of the
Proceedings
before the
Jury.

XXXIII. Provided always, and be it enacted, That Twenty-eight Days previous Notice of the Day, Hour, and Place of every such impannelling of such Jury or Juries, shall be given in Writing, under the Hands of the said Trustees, to the Owner, Proprietor, Occupier, or other Person or Persons interested in such Messuages, Lands, Tenements, or Hereditaments, or left at the Dwelling-House or Houses, or usual 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 such Messuages, Lands, Tenements, or Hereditaments, or by Advertisement under the Hand of the Clerk to the said Trustees, to be Twice inserted in some or one of the Newspapers published in *Newcastle-upon-Tyne* aforesaid.

How Ex-
pences of
Jury shall be
paid.

XXXIV. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to this Act, shall give in and deliver a Verdict or Assesment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Messuages, Lands, Tenements, or Hereditaments, or to or for any such Loss or Damage than what shall have been agreed to and offered by the said Trustees, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property, or any such Loss or Damage as aforesaid, then, and in every such Case the Costs and Expences of ascertaining and determining by the Means of such Jury

Jury the Value of any such Right, Property, or Interest, or the Loss or Damage sustained as aforesaid, shall be borne and 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 or offered by the said Trustees before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Rights, Interest, or Property in any such Messuages, Lands, Tenements, or Hereditaments, or Losses or Damages as aforesaid, then and in every such Case the Costs and Expences of ascertaining the said Value or Damages by the said Jury, shall be paid by the Person or Persons who shall neglect or refuse to treat and contract with the said Trustees as aforesaid; and which said Costs and Expences having been ascertained and settled by the Recorder for the Time being of the said Town and County of *Newcastle-upon-Tyne*, who is hereby empowered and required to examine, ascertain, and settle the same, shall and may be deducted from and out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by such and the like Ways and Means as are in and by the said herein-before recited Acts provided for the Recovery of Penalties, Forfeitures, and Fines.

XXXV. Provided, That where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees, touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

XXXVI. Provided also, That no Person shall act as a Trustee under this Act in any Case relating to the contracting for, purchasing, or assessing or adjudging the Value of, or Damages relating to any Messuages, Lands, Tenements, or Hereditaments wherein he shall be interested. Trustees not to act in Purchases in which they are interested.

XXXVII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls or other Money arising by virtue of this Act, according to the Directions herein-after contained, either into the Bank of *England*, or as the Case may be, to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents; and upon Payment thereof, in Manner aforesaid, such Lands or Hereditaments shall be laid into and made Part of the Road in such Manner as the said Trustees shall direct, except such Parts thereof as shall be sold by the said Trustees under the Power herein-after given to them for that Purpose, and such Parts thereof as shall be used as Scites for Toll-Houses, and shall be sufficiently ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes become and be deemed a Common Highway, and shall from thenceforth be deemed as Part of the Road by this Act directed to be made, amended, and kept in Repair; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments. Upon Payment of the Purchase Money, the Lands to be laid into the Road.

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XXXVIII. And

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XXXVIII. And be it further enacted, That if the Money which shall be agreed or assessed to be paid for any Messuages, Lands, Tenements, or Hereditaments, purchased, taken or used by virtue of this Act, shall belong to any Corporation, Feme Covert, Infant, Lunatic, Idiot, or other Person or Persons under any Disability or Incapacity, such Money shall, if the same amount to the Sum of Two Hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees of the said Road, to the Intent that such Money shall be laid out under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Lands, Tenements or Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Lands, Tenements, or Hereditaments, or affecting other Messuages, Lands, Tenements, or Hereditaments, standing settled to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the Meantime and until such Purchase shall be made the said Money shall by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three *per Centum* Consolidated, or Three *per Centum* Reduced Bank Annuities; and in the Meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends, and the annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Lands, Tenements, and Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

As to Appli-
cation of
Money when
less than
200l. and
exceeding
20 l.

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

and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved by Five or more of the Trustees of the said Road; such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

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

As to Application of Money when less than 20 l.

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

In case of not making out Title, &c.

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

Where any Question shall arise touching the Right to such Money, &c.

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

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

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

Trustees may sell Lands purchased and not wanted.

XLIV. And be it further enacted, That in case any Messuages, Lands, Tenements, or Hereditaments which the said Trustees may happen to be possessed of by reason of the Purchases which they have made or shall make under the Powers of the said former Acts and of this Act, shall remain over and above what may be necessary for the Purposes of the said Acts and this Act, then and in such Case it shall be lawful for the said Trustees to sell and dispose of such Messuages, Lands, Tenements, and Hereditaments, either together or in Parcels, as they shall find most advantageous and convenient, and either by publick Sale or private Contract, and to convey the same when sold (either absolutely or subject to such Conditions and Restrictions, as the said Trustees may think proper to impose) to the Purchaser or Purchasers thereof, or to such Person or Persons
as

as he, she, or they shall appoint, by Deed or Deeds to be executed in Manner herein-after directed, and to be inrolled in the Office of the Clerk of the Peace for the said County of *Northumberland*, or Town and County of *Newcastle-upon-Tyne* aforesaid (in whichever the Lands respectively shall lie or be situate), and such Deed or Deeds so enrolled shall be good and effectual for passing all the Estate and Interest of the said Trustees in the Premises to all Intents and Purposes whatsoever, and upon Payment of the Purchase Money to the Treasurer to the said Trustees for the Time being, and taking his Receipt for the same, the said Purchaser or Purchasers shall be exempted from all Liability to see to the Application of such Purchase Money.

XLV. Provided always, That the Monies to arise from the Sale of any such Messuages, Lands, Tenements, and Hereditaments as aforesaid, shall be applicable to the Purposes of the said present Road, or of the said new Branches, according as the said Messuages, Lands, Tenements and Hereditaments shall have belonged to the said Road or the said Branches, and not otherwise.

XLVI. Provided always, and be it further enacted, That the said Trustees before they shall sell and dispose of the said Messuages, Lands, Tenements or Hereditaments shall offer to sell the same; first to the Person or Persons of whom they purchased the same, their Heirs or Assigns; and secondly to the Owner or Owners of the Lands adjoining; and in case such Person or Persons, Owner or Owners respectively, shall not then and thereupon agree, or shall refuse to repurchase the same, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County aforesaid, by some Person or Persons not interested, stating that such Offer was respectively made by or on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so respectively offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was respectively made and was not agreed to, or was refused by the Person or Persons to whom it was made (as the Case may be); and in case such Person or Persons, Owner or Owners, shall be desirous of purchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed respecting the disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees as aforesaid shall be applied for the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Mis-application or Non-application of such Purchase Money.

Lands to be sold to be first offered to the Owners of the adjoining Lands.

XLVII. And be it further enacted, That so much of the said recited Acts as relates to the Performance of Statute Labour on the said Road, shall be and the same is hereby repealed, and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable

Regulations as to performance of Statute Duty.

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towards repairing and amending the Road comprised in the said recited Acts or any Part thereof, shall still remain liable thereto in like Manner as heretofore, and it shall be lawful for any Two or more Justices of the Peace within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Treasurer, Clerk or Surveyor by their Order, Yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads and Branches by the Inhabitants of the respective Parishes or Places in which the said Road and Branches lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in Lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Fourteen Days after the serving of such Summons, in the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in Lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which List of Names shall be made in such Manner and under such Regulations and Restrictions as are or may be directed by any Law or Statute in force for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road and Branches as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay Time or Harvest), and on such Parts of the same as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to Payment of any Money in Lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the said Trustees or their Treasurer, at such Time or Times as the Justices shall direct, and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to, or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force for the Repair of the public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the
said

said Road or Branches shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road or Branches, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road or Branches; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XLVIII. And be it further enacted, That all Deeds or other Instruments of Conveyance or Contract to be made to or for the Benefit of the said Trustees, shall be made to or entered into with the said Trustees generally or to or with some Person or Persons in Trust for them generally, without naming them or any of them, and all Estates, Rights, and Interests to be derived under such Deeds or Instruments respectively, shall be vested in the said Trustees, and be deemed and taken to belong to the Trustees of the said Turnpike Road for the Time being; and all Deeds or other Instruments of Conveyance or Contract to be made by or on behalf of the said Trustees, shall be made or entered into by any Five or more of them, or by their Clerk or Treasurer by the Order of any Five or more of them; and such Deeds or Instruments, and all Covenants or Agreements therein contained shall be deemed the Deeds and Instruments, Covenants and Agreements of the said Trustees collectively, and not of the individual Persons or Person who shall execute the same, and the Persons or Person usually acting as Trustees, or as Clerk or Treasurer to the said Trustees and signing any such Deed or Instrument, shall be deemed and taken to be such Trustees or such Clerk or Treasurer respectively, without any further Proof thereof.

Certain Trustees or Officers may execute Deeds, &c. on behalf of all the Trustees.

XLIX. And be it further enacted, That all Contracts and Agreements entered into; by or by the Order of the Trustees of the said former Acts, according to the Directions of the said Acts, or any of them, shall be deemed to be the Contracts and Agreements of the Trustees of the said former Acts and of this Act; and shall have the same Force and Continuance as if entered into by the Trustees of the said former Acts and of this Act; and all Bonds, Contracts, and Agreements entered into, with, or for the Benefit of the Trustees of the said former Acts, shall be considered as having been entered into, with, or in favour of the Trustees of the said former Acts and of this Act, and such Trustees shall have the same Remedies for enforcing the Performance thereof, as if the same had been entered into after the passing of this Act.

Contracts entered into by the Trustees of the former Acts to be performed by the Trustees of this Act.

L. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Contracts, Covenants, or Agreements entered into, by, or with them, or on their Behalf, and in respect of any other Matter or Thing to be done by virtue or in pursuance of the said former Acts.

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

Acts and of this Act, in the Name of their Treasurer for the Time being, and that no Action or Suit to be brought or commenced by the Direction of, or against the said Trustees by virtue of this Act, in the Name of their Treasurer, shall abate or be discontinued by the Death or Removal of any such Treasurer, nor by the Act of such Treasurer, without the Consent of the said Trustees; and that the Treasurer for the Time being shall be deemed to be Plaintiff or Defendant as the Case may be in every such Action: Provided that the Person acting as Treasurer of the said Trustees for the Time being, and who shall be made Defendant in any Suit to be brought against the said Trustees as aforesaid, shall be deemed and taken to be Treasurer of the said Trustees without any Proof thereof, unless such Person shall plead in Abatement and shew himself not to be such Treasurer.

Treasurer to be indemnified.

LI. Provided always, That such Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully indemnified, 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 so made Plaintiff or Defendant as aforesaid.

Penalty on Offences committed upon the Road.

LII. And be it further enacted, That if any Person or Persons shall ride or lead any Horse or Horses upon any Causeway or Footpath to be made upon or on the Sides of the said Road and new Branches respectively, or any of them, or shall wantonly drive any Horses, Cattle, or Carriages thereon, or on any of them, or shall cause any Damage to be done to such Footpaths or any of them, or if any Person or Persons shall suffer any Pigs or Swine to stray upon the said Road or Branches, or any of them, or when driving any Pigs or Swine upon the said Road or Branches shall suffer the same to root up or damage the said Road or new Branches, or any Part thereof, or if any Person driving any Coach, Chaise, Waggon, or other Carriage upon the said Road or new Branches shall not keep his Carriage on the left Side thereof, or if any Person shall in any Manner wilfully prevent any other Person or Persons, or any Coach, Chaise, Waggon, Cart or other Carriage under his or their Care from passing him on the said Road or new Branches, or shall otherwise obstruct the same, or if any Person or Persons shall leave any Coach, Chaise, Waggon, Wain, Cart, or other Carriage in, or upon, or on the Side of any Part of the said Road, either with or without any Horse or Beast of Draught yoked thereto, or shall lay any Piece of Timber, or any Stones, Hay, Straw, Dung, Manure, Rubbish, or other Matter or Thing whatsoever on any Part of the said Road or Branches, or on the Side or Sides thereof, to the Prejudice thereof, or to the Prejudice or Annoyance of Persons travelling thereon, or if any Person or Persons, driving any Cart, Carriage, Dray or Waggon upon the said Road or new Branches, shall ride upon any such Carriage, not having some other Person on Foot or on Horseback to guide the same (such Carriages as are conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted), or if the Driver of any Carriage whatsoever upon the said Road or new Branches shall, by wilful Negligence and Misbehaviour, cause any Damage or Accident to happen to any Person
or

or Persons, or any Carriage or Carriages upon the said Road or new Branches, or in anywise injure the said Road or new Branches, or if any Person shall cause to be hawled or drawn upon any Part of the said Road or the said Branches or any of them, any Tree or Piece of Timber, or any Stone or Stones, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone, which shall be conveyed by any Wheel Carriage, to drag upon any Part of the said Road or Branches to the Prejudice thereof, or if any Person or Persons shall drive, or permit or suffer to be drawn upon or along the said Road or Branches for the Space of Ten Yards together, any Waggon, or other Carriage with Metal Wheels, and commonly used upon a Waggon-Way or Rail-Way for the Drawing of Coals or other Goods or Materials to and from any Colliery or Coal Mine, (except such Waggons or Carriages as shall be drawn across or along the said Road or Branches upon any Waggon-Way or Rail-Way which now lies or hereafter shall be made across or along the same, under or by virtue of the Authority of the said first herein recited Act), every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LIII. And be it further enacted, That all Stones, Gravel, Sand, Timber, Wood, and other Materials, and all other Property and Effects whatsoever, purchased or procured by, or by the Order of the said Trustees for making, maintaining, or repairing the said Road and Branches respectively, and the several Toll Houses and other Buildings, Fences, Gates, Posts, Rails, or Conveniences thereunto respectively belonging, and all other Things whatsoever procured for the Use of the said Trustees or any of their Officers, shall be deemed the Property of the Trustees of the said Road for the Time being, and in any Bill or Bills of Indictment, Information, or other Proceeding to be preferred against any Person or Persons who shall steal, take away, spoil, injure, or destroy the said Stones, Gravel, Sand, Timber, or Materials, Property, or Effects, or any of them, or who shall damage, injure, or destroy the said Road or Branches, or the Toll Houses, Buildings, Fences, Gates, Posts, Rails, and Conveniences, or any of them, it shall be sufficient to state generally that the same are the Property of the said Trustees, without particularly specifying the Names of the said Trustees or any of them.

Property vested in the Trustees for the Time being.

LIV. And be it further enacted, That if any Person shall take away any Materials which shall have been digged or gathered in any Lands, Fields, Wastes or Grounds, River or Brook, for the Purpose of making or amending the said Road, or the Branches thereof or any of them, or shall get or take away any Materials out of any Pit or Quarry which shall have been made or opened for the Purpose of getting Materials for the said Road and Branches, or any of them, before the Surveyor or his Workmen shall have discontinued working therein for the Space of Twenty-eight Days, (except the Owner or Occupier of any private Ground, or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale), every such Person so offending shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Penalty on Persons taking Materials for repairing the Road.

LV. And whereas Offences may be committed against this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other

For securing transient Offenders.

[Loc. & Per.]

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Officers

Officers appointed to put this Act into Execution ; be it therefore further enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to their Assistance, without any Warrant or other Authority to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County or Place where the Offence or Offences shall be committed.

Trustees to take Security from their Treasurer.

LVI. And be it further enacted, That the said Trustees shall and are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices, as they the said Trustees shall think proper, and that no such Treasurer, Receiver, Collector, or other Officer shall be permitted to enter upon such their Offices respectively, until they shall have given such Security.

Collectors may give Evidence respecting the Tolls.

LVII. And be it further enacted, That in every Action, Suit, Prosecution, or Litigation, which may arise, touching or in anywise relating to any of the Tolls payable by virtue of this Act, the Person or Persons appointed to collect the said Tolls, or any other Person or Persons acting by or under the Authority of the said Trustees, or of the respective Lessees or Farmers of the said Tolls, shall not by reason thereof be deemed incompetent to give Evidence in any such Case.

Application of Penalties.

LVIII. And be it further enacted, That in all Cases when any Fines, Penalties, or Forfeitures, imposed by the said recited Acts, or this Act, shall be recovered or become payable by reason of any Information to be given of the Offences in respect of which such Fines, Penalties, or Forfeitures, shall be imposed or become payable by any Person or Persons whomsoever, (except Officers or other Persons acting for or under the Authority of the said Trustees), then One Moiety of the Amount of such Fines, Penalties, and Forfeitures, shall belong to and be paid to the Person or Persons so informing, and the other Moiety thereof shall be paid to the Treasurer of the said Road for the Time being ; and where any Fines, Penalties, or Forfeitures, shall become payable, otherwise than upon such Information as aforesaid, then the whole Amount thereof shall be paid to the said Treasurer ; and the Amount of the several Fines, Penalties, and Forfeitures, or Shares of Fines, Penalties, and Forfeitures, which shall be so paid to the said Treasurer as aforesaid, shall be appropriated for the several and respective Purposes of the said Acts and of this present Act respectively, in Manner following ; (that is to say), that the Monies received for or on Account of all such Fines, Penalties, and Forfeitures, as shall be recovered in respect of any Act, Matter or Thing, made, done, or committed against or to the Prejudice of the said present Road, or in anywise relating thereto, shall be added to the Fund belonging to the said Road, and be exclusively applied and disposed of as Part of the said Fund, for all the Purposes to which the said Fund is applicable, according to the Directions in that behalf herein-before contained ; and that the Monies received for or on Account of all such Fines, Penalties, and Forfeitures, as shall be recovered in respect of any Act, Matter, or Thing, made, done, or committed against or to the Prejudice of, or relating to or concerning the said new Branches, shall be

be in like Manner added to the Fund belonging to the said Branches, and be exclusively applied and disposed of as Part of the said Fund, for all the Purposes to which the last-mentioned Fund is applicable, according to the Directions in that Behalf herein-before contained; and that all such Fines, Penalties, and Forfeitures, as shall be recovered in respect of any Act, Matter, or Thing, which shall affect or prejudice, relate to, or concern the said present Road and the said new Branches generally or in common, shall be added to both the said Funds in equal Proportions, and applied as Parts of both the said Funds for the respective Purposes aforesaid: Provided nevertheless, that it shall be lawful for the said Trustees, out of the Monies aforesaid, or any other Monies vested in them by this Act, to reimburse any Officer acting under the Authority of the said Trustees, of any Peace Officer or other Person by whose Exertions or through whose Means any Offender or Offenders shall be detected and punished, for the Trouble and Loss of Time of any such Officer or other Person, and for his Expences incurred in that Behalf, and also to reward any such Officer for any particular Exertion he may use in that Behalf.

LIX. And be it further enacted, That all Authorities given to the said Trustees by the said former Acts or by this Act, shall be executed by any Five or more of them, as well in all Cases where no particular Number is specified in the said former Acts or in this Act, as in all Cases where a larger or other Number may have been specified in the said former Acts; and all Authorities given to the said Trustees, shall be executed by the Number hereby required at a Meeting of the Trustees, except Notices for calling a Meeting, which may be signed by the Trustees required to sign the same individually. Trustees may act.

LX. And be it further enacted, That in all Deeds or Instruments, Actions, Suits, Prosecutions, or other Proceedings wherein it shall be necessary to name the Trustees of the said Road, such Trustees shall be stiled "The Trustees of the Turnpike Road leading from *North Shields* to *Newcastle-upon-Tyne*," or as near thereto as may be, by Reference to a prior Description of the said Road. How Trustees are to be described.

LXI. And be it further enacted, That all Enactments, Powers, Authorities, Provisions, Prohibitions, Restrictions, Exemptions, Clauses, Matters and Things contained in the said former Acts, so far as regards the said old Road, shall so far as the same are now in force and are not hereby altered or varied, be extended to the said new Branches, and shall have the same Force and Effect, and shall be carried into Execution, so far as regards the said Branches, as fully and effectually to all Intents and Purposes as if the same were re-enacted by this Act, and thereby applied to the said Branches. Powers of the former Acts to extend to the Branches.

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

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

The SCHEDULE above referred to.

PREMISES.	PARISHES.	OWNERS.	OCCUPIERS.
Blacksmith's Shop. Land. Houses and Piece of Land.	All Saints in Northumberland. The fame. The fame.	Sir John Lawson, Bart. The fame. The fame.	John Urwin. Company of Free Porters. William Jowley, James Shuttleworth, John Buteland, Alice Murton, Ann Atkinson, and Richard Smith.
Houses and Land.	The fame.	Thomas Thompson, Robert Reay, and James Richardson.	Themselves, and Ann Welch, John Vasey, James Murray, Adam Rutherford, William Hills, Robert Elliot, William Goulding, Mary Williamson, Francis Steel, John Smith, John Pattinson, Richard Anderson, Elizabeth Hall, Mary Miller.
Houses and Land. Houses and Land. Piece of Land.	The fame. All Saints, in Newcastle. All Saints, in Northumberland.	Sir John Lawson. The fame. The fame.	John Dalton. The fame. William Kilvington Parker, and Thomas Madshon Parker.
Piece of Land. Piece of Land. Land. Land.	All Saints, in Newcastle. All Saints, in Northumberland. The fame. All Saints, in Newcastle.	The fame. Marshall and Boyd. Sir Matthew White Ridley, Bart. The fame.	The fame. Roger Hill, and themselves; Mary Turpin. Mary Turpin, John Carr, Matthew Stobard, William Runtree, and John Abernethy. William Davidson.
Land and Garden. Houses and Land.	The fame. The fame.	The Right Honourable Sir William Scott. James Atkinson, Esquire.	Joseph Croser, John Gray, John Waite, John Carr, and Joseph Harrison.
Land and Gardens. Lands.	The fame. Saint Andrews, in Newcastle.	Ralph Bates, Trustee of the Rev. Nathaniel Ellison's Heirs. The fame.	Himself, and Ann Reed, and Thomas Gregory. Charles Ogle, Thomas Burdon, and John Raine.
Land. Land, Garden, Yard, and Walls. Land. Land and Plantation.	The fame. The fame. The fame. Tynemouth, in Northumberland.	William Batson, Esquire. The Corporation of Newcastle. John Graham Clarke, Esquire. William Linskill, Esquire.	Himself. William Batson. Himself. Himself.
Land and Garden. Land.	The fame. The fame.	Stephen Wright, Esquire. John Walker, Esquire.	Himself. Henry Richardson, and Will. Richardson.