



ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 61.

An Act for amending an Act of the Forty-second Year of His present Majesty for repairing the Road from *Buckton Burn* through *Berwick-upon-Tweed* to *Lammerton Hill*, and several other Roads therein mentioned, in the County of *Durham* and Liberties of *Berwick-upon-Tweed*. [18th April 1810.]

WHEREAS an Act was passed in the Forty-second Year of the Reign of His present Majesty King *George the Third*, intituled, *An Act for more effectually amending, widening, improving, and keeping in Repair the Road from the Turnpike Road at Buckton Burn in the County of Durham, through Berwick-upon-Tweed, to Lammerton Hill, and also several other Roads therein mentioned, lying in the said County, and within the Liberties of the said Town of Berwick; and also for erecting Two Bridges over the River Tweed, and for making Two Roads from the said Bridges to the Road leading from Berwick aforesaid to Cornhill, in the said County of Durham*: And whereas the Trustees therein named have proceeded in the Execution of this Act, and have improved and kept in Repair the Roads first therein mentioned, so far as the Tolls thereby granted for that Purpose have enabled them: And whereas several Sums of Money amounting in the Whole to Eight thousand Pounds and upwards, are now due and owing on the Credit of the said Tolls, and the same cannot be paid, nor can the said Roads be effectually amended, widened, improved, and kept in Repair, unless the Powers of the said Trustees are enlarged, and some of the Provisions and Restrictions therein contained discontinued and repealed: May it therefore please Your Majesty

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Clause in the former Act repealed.

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 so much of the said recited Act as enacts, that the Gates or Turnpikes therein authorized to be continued or erected upon or on the Sides of the Roads therein comprised should not extend to a Double Charge upon any Person passing through any other of the Turnpikes then erected or to be erected in pursuance thereof, and that no such Gate or Turnpike to be erected upon, across, or on the Sides of any other Part or Parts of the said Roads, should be placed or set up on the North Side thereof, beyond the Scite of the then Gate at *Scotsgate* within the Liberties of the Town of *Berwick-upon-Tweed*, or on the South Side above the Distance of Five Miles from the Market Cross of the said Town of *Berwick-upon-Tweed*, shall be, and the same is hereby declared to be repealed and null and void.

Trustees empowered to erect additional Gates.

II. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and they are hereby authorized and empowered to cause to be erected and set up such Toll Gate or Toll Gates upon, across, or on the Sides of any Part or Parts of the said Roads situate on the South Side of the River *Tweed*, as they shall think expedient, the said Trustees giving such previous publick Notice of the Meeting to be held in order to consider of the setting up or erecting of such Toll Gate or Toll Gates as is required by the said Act with respect to the Gates therein mentioned; and also to erect or provide such Toll Houses at the respective Places where the said Gates or Turnpikes shall be erected as the said Trustees, or any Five or more of them, shall think convenient; and that the respective Tolls following shall be demanded and taken at the several additional Toll Gates to be erected by virtue of this Act by such Person or Persons as the said Trustees, or any Five or more of them shall from Time to Time appoint for that Purpose, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, Chair, Waggon, Wain, Cart, or other Carriage whatsoever, upon which any Toll is by this Act imposed, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse, Calash, or other Carriage, drawn by Six Horses, Mares, Geldings, or Mules, the Sum of Two Shillings and Three-pence; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Sixpence; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine-pence:

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Four-pence Halfpenny:

For every Waggon, Wain, or Cart, drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and One Penny Halfpenny; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Seven-pence Halfpenny; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse or other Beast of Draught, the Sum of Three-pence:

For

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

For every Drove of Oxen, Cows, or neat Cattle, the Sum of Sixpence *per* Score; and so in Proportion for any greater or less Number :

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

Provided always, That any Person who shall have paid Toll for any Horse, Mare, Gelding, Mule, Ass, Cattle, or any of the Carriages mentioned, at any Gate nearest to either Extremity of any one Line of Road, shall not be liable to pay Toll again at any other or intermediate Toll Gate or Toll Gates situate between such Gate and the Gate at or nearest to the other Extremity of the same Line of Road.

Rule for charging the Tolls.

III. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees for the Time being, or any Five or more of them, at any Publick Meeting holden for the Execution of this Act; and they are hereby authorized and required, from Time to Time, whenever they shall deem it expedient, to lessen and reduce the Tolls and Duties hereby granted and made payable, and again to advance the same, so as every such Reduction be made with the Consent of the Person or Persons entitled to Three Fourth Parts of the Money then due on Security of the said Tolls, and so as the same do not at any Time exceed the Tolls and Duties hereby granted.

Power to reduce the Tolls and re-advance them.

IV. 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 Act shall cease, and be no longer allowed, and that in lieu thereof, the several Exemptions from Tolls herein-after 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 Roads, carrying or conveying Stone, Bricks, Lime, Timber, Wood, Heath, Chalk, Gravel, or other Materials to be used on or about the said Roads, 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 Roads, or returning empty when so employed, or carrying or conveying Hay, Green Clover, Rye Grass, Corn in the Straw, or other Produce of Lands not sold or disposed of, but going from the Place where the same shall grow, to be laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or any Dung, Soot, Mould, or such like Compost for manuring Lands, or going or returning empty when so employed, or 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,

Exemptions from Tolls.

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 Roads 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 for the Purpose of being shod, 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 Post Master General, either when employed in conveying, fetching, or guarding 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 *Durham*, 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.

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

V. 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

Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

VI. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Roads, 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 towards repairing and amending the Roads, comprised in the said recited Act, 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 any Five or more of them, or by their Treasurer, Clerk, or Surveyor, by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads, by the Inhabitants of the respective Parishes or Places in which the said Roads 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 Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a 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 Lists or 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 Roads, 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 said Roads, 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 Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer

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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 Publick Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Teams or Draughts to work on the said Roads, 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 Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; 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.

Application of
the Money.

VII. And be it further enacted, That out of the first Money which shall be collected at the several Gates or Turnpikes to be erected by virtue of this Act, or out of such Money as shall be borrowed on the Credit of the Tolls by this Act imposed, all the Expences and Charges incident to and attending the obtaining and passing of this Act, together with legal Interest for all such Money as may have been advanced by any Person or Persons for that Purpose, and also all the Expences of setting up, erecting, and providing such Gates or Turnpikes and Toll Houses on the said Roads by virtue of this Act, shall in the first Place be satisfied and discharged, and that afterwards the Money arising by the said Tolls shall be applied and disposed of in the Manner by the said recited Act directed with respect to the Tolls first thereby granted, and the Money authorized to be borrowed on the Credit thereof.

Clause for re-
pairing Haggerston North
and South
Bridges.

VIII. And be it further enacted, That the said Trustees shall apply so much of the Money which shall be collected at the Gates or Turnpikes already erected or to be erected as aforesaid, for repairing the said Roads, as the said Trustees, or Three or more of them shall from Time to Time judge necessary for keeping the two Bridges called *Haggerston* North and South Bridges, in the said County of *Durham*, in good and sufficient Repair.

Power to purchase Ground
for Toll
Houses.

IX. And be it further enacted, That the said Trustees, or any Three or more of them, shall have the like Power and Authorities to purchase Ground for erecting and providing Toll Houses, with necessary Yards and Gardens thereto, (not exceeding One Quarter of an Acre for each Toll House), as are given to them by the said recited Act.

In case of
not making
out the Titles.

X. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act or 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,

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

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

XII. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and

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

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

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 the said Act and 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 for such Purposes as the said Court shall direct.

Power to take Possession of Toll Gates or Houses in a summary Way.

XIII. And be it further enacted, That if any Lessee of the Tolls to be demanded and taken by virtue of the said recited Act or of this Act, or any Gatekeeper, shall refuse to deliver up Possession of any Turnpike Gate or Toll House, erected or to be erected upon or by the Side of the said Roads after the Expiration of his Term or Lease, or after Non-payment of Rent, for Three Days after Demand thereof, any Justice of the County or District in which such Turnpike Gate or Toll House is situate, may by his Warrant order a Constable, with such Assistants as shall be necessary, to enter the Toll House and Premises in the Day-time and remove the Persons who shall be found therein, together with their Goods, out of such House.

Powers of former Act extended to this Act.

XIV. And be it further enacted, That all the Powers, Authorities, Regulations, Restrictions, Provisions, Clauses, Forms of Proceedings, Matters, and Things which in and by the said recited Act of the Forty-second Year of His present Majesty are severally contained and enacted, and which are now in force and not controuled by or repugnant to any of the Matters, Clauses, Provisions, or Regulations in this Act contained, shall be and continue in full Force and Effect, and shall be duly enforced, practised, applied, and put in Execution for the better effecting the several Purposes of this Act, so far as the same are applicable thereto respectively, as fully and effectually to all Intents and Purposes as if all and every such Powers, Authorities, Regulations, Restrictions, Provisions, Clauses, Forms of Proceedings, Matters, and Things had been expressly inserted and re-enacted in this Act with relation thereto.

Publick Act.

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

Commencement and Continuance of Act.

XVI. And be it further enacted, That this Act shall commence upon the First *Monday* after the same shall receive the Royal Assent, and shall continue in force for the Residue of the Term granted by the said recited Act of the Forty-second Year of His present Majesty.