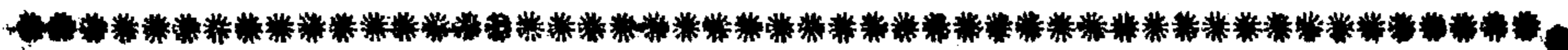




ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.



Cap. 6.

An Act for continuing and amending an Act of His present Majesty, for repairing the Road from *Bishop Wearmouth* to *Norton*, in the County of *Durham*. [22d March 1811.]

WHEREAS by an Act made in the Twenty-ninth Year of the Reign of His present Majesty, intituled, *An Act for altering, raising, widening, repairing, and preserving the Road leading from the Town of Bishop Wearmouth, near Sunderland, in the County of Durham, to the Town of Norton, near Stockton in the said County,* several Tolls and Powers were granted to Trustees therein named for the Purpose of altering, raising, widening, repairing and preserving the said Road, which said Act was to have Continuance from the Day after the passing thereof for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees for executing the said Act, have in Execution thereof borrowed considerable Sums of Money on the Credit of the Tolls authorized to be collected on the said Road, which Money still remains due, and the same
[*Loc. & Per.*] U cannot

29 G. 3. c. 81.

Former Act
continued.

cannot be repaid, nor can the said Road be effectually maintained and improved unless the said Act be continued for a further Term, and it is expedient that some of the Powers, Clauses, and Provisions contained in the said Act, should be altered and enlarged; 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 said recited Act passed in the Twentieth Year of the Reign of His present Majesty, and all and every the Powers, Authorities, Tolls, Penalties, Forfeitures, Clauses, Provisions, Matters and Things therein contained and now in Force (except so far as the same are hereby enlarged, altered, or repealed); and also the Powers and Provisions in this Act contained, shall be and continue in full Force and Effect, for altering, raising, widening, repairing, and preserving the said Road leading from the Town of *Bishop Wearmouth* to the Town of *Norton* in the said County of *Durham*, during the Term herein-after mentioned, as fully and effectually to all Intents and Purposes as if the same were again repeated and re-enacted in the Body of this present Act, which said additional Term hereby granted, shall be and is hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the same Act, and of such Sum or Sums of Money as shall be borrowed for the Purposes of this Act, and of all Interest due and to grow due for the same respectively.

General Ex-
emptions
from Toll.

II. 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 Tolls 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 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 Road, or returning empty when so employed, or carrying or conveying Hay, Corn in the Straw, or other Produce of the Lands not sold or disposed of, nor any Ploughs, Harrows, or other Implements of Husbandry, to be used in the Cultivation of such Lands, or any Lime or Manure to be used or laid upon Lands, or returning empty when so employed; 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

nor for any Horses, Mares, Geldings, Mules, Asses, or Cattle, 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, going to or returning from Pasture on the Commons or other grazing Grounds or watering Places, or Blacksmiths Shops to be shod, or from having been shod; 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 in returning back from conveying the same; nor 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, nor 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, nor 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.

III. Provided always, That no more than Three Tolls shall be demanded or taken from any Person or Persons for passing and repassing the same Day with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes to be erected upon the said Road, or on the Sides thereof, but that all and every Person and Persons having paid the said Three Tolls, and producing a Note or Ticket, Notes or Tickets, (which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of such Tolls), shall pass and repass with the same Horses, Cattle, Beasts or Carriages, Toll-free during such Day, through all the Toll Gates or Turnpikes to be erected upon the said Road by virtue of this Act.

Three Tolls
only to be
taken on the
whole Road.

Tolls to be
paid once a
Day.

IV. And be it further enacted, That no Person or Persons shall be liable to pay Toll more than once at any One Toll Gate or Turnpike to be erected upon the said Road, for passing or repassing at any Time or Times in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), with the same Horses, Cattle, Beasts, and Carriages through the same Toll Gate or Turnpike; but all and every Person and Persons, after having paid Toll once as aforesaid, and producing a Note or Ticket, Notes or Tickets, denoting the Payment of such Toll, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Tolls, shall afterwards pass and repass with the same Horses, Cattle, Beasts and Carriages, Toll free during such Day, through the same Toll Gate or Turnpike where such Toll was paid. ■

Exemption's
at Ryehope
Gate.

V. Provided always, and be it further enacted, That no Person being the Owner or Occupier of any Messuages, Lands or Hereditaments, situate within the Township of *Ryehope* in the said County of *Durham*, and using the said Turnpike Road in respect of the Occupation only of any such Messuages, Lands, or Hereditaments situate as aforesaid, only and performing Statute Work upon the said Turnpike Road, or paying Composition for the same Statute Work, shall be charged with any Tolls at any Turnpike Gate or Side Gate erected or to be erected between the Towns of *Bishop Wearmouth* aforesaid and *Ryehope*, for passing through such Turnpike Gate or Side Gate whilst using the said Turnpike Road in Manner aforesaid only, with any Horses, Cattle or Carriages going to or returning from the Towns of *Bishop Wearmouth* and *Sunderland*, or either of them: Provided also, that such last-mentioned Exemptions from Tolls or any of them shall not extend to or include any Horse or Horses, Carriage or Carriages, carrying Goods for Hire, nor to any Carriage or Carriages drawn by more than One Horse, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches between the First Day of *October*, and the First Day of *April* then next ensuing, in any Year or Years from and after the First Day of *October*, which will be in the Year One thousand eight hundred and twelve, nor to any Person or Persons who shall be only a Lodger or Lodgers, or occasional Residents, and shall not be the actual Owners or Occupiers of any Messuages, Lands, or Hereditaments situate within the Township of *Ryehope* aforesaid

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

VI. And be it further enacted, That no Person owning or driving, or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack or Commissariat, or other Public Stores, of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight, nor shall any 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,

Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act, or the said recited Act, or either of them, contained to the contrary notwithstanding.

VII. And be it further enacted, That so much of the said recited Act 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 towards repairing and amending the Road 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 Road by the Inhabitants of the respective Parishes or Places in which the said Road lies; 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 or 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 Road as the said Trustees or any Five or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to 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

[Loc. & Per.]

X

the

Regulations
as to perform-
ance of Sta-
tute Duty.

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 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 Road, 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; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Road; 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 Ten Pounds.

Application
of Compensation,
when
exceeding
200 l.

VIII. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used by virtue of the said recited Act or this Act, which shall belong to any Body Politick, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardian, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex-parte* the Trustees for executing this Act, to the Intent that such Money shall be paid, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled to the same or the like Uses, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the

the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time and until such Purchases shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three *per Centum* Consolidated, or Three *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

Application where Money does not amount to 200l. and shall exceed 20l.

X. 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 such cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said recited Act or this Act, in such Manner as the said Trustees or any Five or more

Application where the Money is less than 20l.

more of them shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles.

XI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or 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 to make such 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.

Respecting
disputed
Titles.

XII. 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 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 have been in Possession of any such Lands, Tenements, and Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons,
or

or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully intituled 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.

XIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, 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 for such Purposes as the said Court shall direct.

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

XIV. And be it further enacted, That if any Lessee of the Tolls to be demanded and taken by virtue of this Act 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 Road, after the Expiration of his Term or Lease, it shall be lawful for any Justice of the Peace for the said County of *Durham* to remove such Lessee from the Possession of such Turnpike Gate and Toll House, in such Manner as by Law is provided in the Cases of Toll Gatherers or Collectors of Tolls holding over Possession after being discharged from their Offices.

If Lessee of Tolls refuse to deliver up Toll House.

XV. And be it further enacted, That the Expences of obtaining and passing this Act, together with legal Interest for Money advanced by any Person or Persons for that Purpose, shall be paid out of the Money already raised by virtue of the said recited Act, or out of the First Money to be raised by virtue of this Act.

Expences of the Act.

XVI. 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.

Publick Act.

[*Loc. & Per.*]

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XVII. And

Commence-
ment and
Continuance
of the Act.

XVII. And be it further enacted, That this Act shall commence on the Fourteenth Day from and after the passing thereof, and shall continue in Force from thenceforth for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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