



ANNO QUINQUAGESIMO TERTIO

# GEORGI III. REGIS.

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## Cap. 129.

An Act for continuing and amending Three Acts, for repairing the Road from the City of *Durham*, to *Tyne Bridge* in the County of *Durham*.

[3d June 1813.]

**W**HEREAS an Act was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for repairing the High Road leading from the City of Durham in the County of Durham, to Tyne Bridge in the said County*: And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers granted by an Act passed in the Twentieth Year of the Reign of His present Majesty, for repairing the High Road leading from the City of Durham in the County of Durham, to Tyne Bridge in the said County*: And whereas another Act was passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Terms and Powers of Two Acts of the Twentieth and Twenty-sixth Years of the Reign of His late Majesty, for repairing the High Road leading from the City of Durham in the County of Durham, to Tyne Bridge in the said County*, whereby it was enacted, that the Term granted and continued by the said former Acts for the Repair of the said Road, should be continued for the further Term therein limited; and that instead of the Clauses and Provisions contained in the said Acts of the Twentieth and Twenty-sixth Years of the Reign of His said late Majesty, the several Clauses, Provisions, Tolls, Powers, Penalties, Forfeitures, Exemptions, Matters, and Things therein contained,

[Loc. & Per.] should

should be in Force and put in Execution for repairing the said Road: And whereas the Trustees for putting the said several Acts in Execution, have borrowed considerable Sums of Money on the Credit of the Tolls granted and authorized to be taken on the said Road, which still remain due and cannot be repaid; nor can the said Road be effectually improved and maintained, and kept in good and sufficient Repair, unless the said Act of the Thirteenth Year of His present Majesty be continued for a further Term, and the Tolls thereby granted, altered and increased: And it is expedient that some of the Powers and Provisions therein contained should be altered, amended 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 of the Thirteenth Year of the Reign of His present Majesty, and all and every the Powers, Authorities, Penalties, Forfeitures, Clauses, Matters, and Things therein contained and now in Force (except such of them as relate to Exemptions from Stamp Duties, and except so far as the same are hereby altered or repealed), and also the Powers, Authorities, Clauses and Provisions in this Act contained, shall be and continue in full Force and Effect for amending, widening, improving, maintaining, and keeping in Repair the said Road, leading from the City of *Durham* to *Tyne Bridge* aforesaid, during the further Term herein-after limited or mentioned; which said Term, and the Tolls hereby granted, shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or Security of the Tolls granted by the said last recited Act, and also to the Payment of such Sums of Money as shall be borrowed by virtue or in pursuance of this Act, and of all Interest due and to grow due for the same respectively.

13 G. 3. c. 99,  
continued.

Additional  
Trustees ap-  
pointed.

II. And be it further enacted, That *William Apedaile, John Adamson, the Right Honourable Henry Vane* commonly called *Viscount Barnard, Charles John Brandling, William Batson, Jasper Browell, Joseph Bainbridge, George Barras, Christopher Bramwell, Nathaniel Clayton, Morton Davison, Christopher Fenwick, Percival Fenwick, George Fenwick, William Falla, John Thomas Gostie, Robert Shafto Hawks, Francis Johnson, John George Lambton, Sir Charles Loraine Baronet, George Thomas Leaton, Sir Ralph Milbanke Baronet, John Macleod, John Macleod junior, William Ord, William Peters, Robert Pearson, Robert Pemberton, Matthew Plummer, Sir Matthew White Ridley Baronet, Henry Smith, Robert Hopper Williamson Clerk, Robert Walters, Thomas Wade, Taylor Winship;* together with such other Persons, not exceeding the Number of Ten, as the Trustees appointed or elected by or in pursuance of the said recited Act of the Thirteenth Year of His present Majesty, or any Seven of them, shall appoint (being qualified according to the Directions of the same recited Act), shall be and are hereby appointed Trustees, and added to and joined with the Trustees appointed or elected by or in pursuance of the same recited Act for putting in Execution the same Act and this Act, and all the Powers thereby and hereby given and granted.

New Tolls to  
be taken, in  
lieu of former.

III. And be it further enacted, That from and after the Fifteenth Day of *August* One thousand eight hundred and thirteen, the several Tolls granted and made payable by the said recited Act of the Thirteenth Year

of the Reign of His present Majesty, shall cease and determine; and that from thenceforth, in lieu thereof, there shall be demanded and taken the respective Tolls or Sums of Monies herein-after mentioned; (that is to say,)

For every Coach, Chariot, Chaise, Hearse, or other such Carriage, Tolls.  
drawn by Six or more Horses, Mares, Geldings, Mules or other Cattle, the Sum of Two Shillings and Nine-pence; and drawn by Four Horses, Mares, Geldings, Mules or other Cattle, the Sum of Two Shillings and Three-pence; and drawn by Three Horses, Mares, Geldings, Mules or other Cattle, the Sum of One Shilling and Eight-pence; and drawn by Two Horses, Mares, Geldings, Mules or other Cattle, the Sum of One Shilling: and,

For every Chaise, Chair or Taxed Cart, drawn by One Horse, Mare, Gelding or Mule, or other Beast of Draught, the Sum of Sixpence:

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

For every Score of Oxen, Cows, Calves or Neat Cattle, and so in Proportion for a greater or less Number, the Sum of One Shilling:

For every Score of Hogs, Swine, Goats, Sheep or Lambs, and so in Proportion for a greater or less Number, the Sum of Six-pence:

For every Waggon, Wain, Cart or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth, so flat or level as not to deviate more than One Inch from a flat Surface, and drawn by Eight or Seven Horses, Oxen or other Beasts of Draught, the Sum of Three Shillings and Four-pence; and drawn by Six Horses, Oxen or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Five Horses, Oxen or other Beasts of Draught, the Sum of Two Shillings and One Penny; and drawn by Four Horses, Oxen or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Three Horses, Oxen or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Two Horses, Oxen or other Beasts of Draught, the Sum of Ten-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Two-pence Halfpenny:

For every Waggon, Wain, Cart or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches, and rolling such flat or level Surface as aforesaid, and drawn by Six Horses, Oxen or other Beasts of Draught, the Sum of Three Shillings and Four-pence; and drawn by Five Horses, Oxen or other Beasts of Draught, the Sum of Two Shillings and Sixpence; and drawn by Four Horses, Oxen or other Beasts of Draught, the Sum of Two Shillings and One Penny; and drawn by Three Horses, Oxen or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Two Horses, Oxen or other Beasts of Draught, the Sum of One Shilling; and drawn by One Horse, Ox or other Beast of Draught, the Sum of Five-pence:

For every Waggon, Wain, Cart or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels of less Breadth or Gauge than Six Inches, and drawn by Four Horses, Oxen or other Beasts of Draught, the Sum of Three Shillings and Four-pence; and drawn by Three Horses, Oxen or other Beasts of Draught, the Sum of Two Shillings and One Penny; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Seven-pence:

Which

And to be recovered and applied as the former Tolls.

Which said Tolls or Sums of Monies in and by this Act granted and made payable as aforesaid, shall be and are hereby vested in the Trustees for the Time being, for carrying the said recited Act of the Thirteenth Year of His present Majesty, and this Act, into Execution, and shall be received and taken at each and every the Toll Gates or Turnpikes erected or to be erected upon the said Road by virtue of the same recited Act and this Act or either of them, subject to the Restriction herein-after contained; and shall be paid, levied, leased, mortgaged, applied, disposed of and assigned for such Uses and Purposes, and in such Manner, as the Tolls granted by the same recited Act are thereby authorized and directed to be received, paid, levied, leased, mortgaged, applied, disposed of and assigned, except as by this Act is otherwise directed.

Restriction as to the Number of Tolls to be taken.

IV. Provided always, and be it further enacted, That no more than Two Tolls shall be demanded or taken from any Person or Persons, for passing and repassing the same Day, to be computed from Twelve of the Clock in one Night to Twelve of the Clock of the succeeding Night, with the same Horses, Cattle, Beasts or Carriages, through all of the Toll Gates or Turnpikes erected or to be erected upon the said Road, from the City of *Durham* to *Tyne Bridge* aforesaid, by virtue of the said recited Act and this Act, or either of them.

Tolls may be apportioned and lessened.

V. And be it further enacted, That the said Tolls hereby granted, or any of them, or any Part or Parts thereof, and particularly the Tolls in respect of Carts and other Carriages used or employed in or for the Conveyance of Coals, may be lessened and reduced and raised again respectively in such Manner as in the said last recited Act is mentioned with respect to the Tolls thereby granted; so that none of such Tolls do at any Time exceed the Tolls herein-before mentioned; and that no Reduction thereof shall at any Time take place, so as to make the same less than the Tolls granted by the same recited Act, without the Consent in Writing of the Person or Persons entitled to Five-sixth Parts of the Money for the Time being due upon the Credit of the said Tolls hereby granted.

Collectors taking more or less Tolls, &c.

VI. And be it further enacted, That if any Farmer, Renter or Collector of any of the said Tolls hereby granted, shall demand and take, or cause to be demanded and taken from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit any Sum not exceeding Five Pounds, and also his or her Contract for renting the said Tolls, if the said Trustees or any Seven of them shall think fit to vacate the same; and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Penalty on Collectors suffering Carriages to pass without weighing.

VII. And be it further enacted, That, for the better preventing Frauds and Collusions respecting Carriages carrying Overweight, if any Lessee or Lessees of the Tolls payable at any of the Toll Gates erected or to be erected upon the said Road, or any Collector or Collectors of the Tolls, or any Person or Persons appointed, or to be appointed to the Care of any Weighing Machine or Machines erected or to be erected upon the said Road, shall permit or suffer any Waggon, Wain, Cart or other Carriage liable to be weighed at any such Machine or Machines, to pass through the Toll Gate or Gates erected or to be erected on the said Road, without

out weighing the same; or shall permit or suffer any such Waggon, Wain, Cart or other Carriage to proceed on the said Road, or any Part thereof, without having first paid the Toll payable for such Waggon, Wain, Cart, or other Carriage, and for all such Overweight or Overweights as such Waggon, Wain, Cart or other Carriage respectively shall or may happen to have therein or thereon, each and every such Person shall for each such Offence forfeit and pay any Sum not exceeding Five Pounds.

VIII. And be it further enacted, That if any Lessee or Lessees of the Tolls payable at any Toll Gate or Turnpike erected or to be erected on the said Road, or any Collector or Collectors or Person or Persons appointed to the Care of any Weighing Machine or Machines erected or to be erected on the said Road; shall make or enter into any Bargain, Contract, Composition or other Agreement, verbal or written, wherein or whereby any specific Sum or Sums of Money, in gross or otherwise, is or are to be paid by any Person or Persons for the Carriage of Overweight, in respect of any Waggon, Wain, Cart or other Carriage liable to be weighed at such Machine or Machines, each and every such Lessee or Lessees, Collector or Collectors, and Person or Persons appointed to the Care of any such Weighing Machine or Machines, so bargaining, contracting, compounding or otherwise agreeing as aforesaid, shall for every such Bargain, Contract, Composition or Agreement, forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Collector compounding for Overweight.

IX. 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, 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 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 subject to the Regulations for Overweight.

X. And be it further enacted, That all Exemptions from Toll comprised in the said last recited Act, shall cease, and 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 Road, carrying or conveying Stones, Bricks, Lime, Timber, Wood, Heath, Chalk, Gravel, or other Materials to be used on or about the said Road, or for repairing any Highways in the Parishes, Townships, Districts or Places which are liable to perform Statute Duty upon the said Road, or Materials for building or repairing any Houses or other Buildings within such Parishes, Townships, Districts or Places, or carrying or conveying Hay, Corn in the Straw, or other Produce of Lands not sold or disposed of, but for the Purpose of being laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or any Ploughs, Harrows, or other Implements of Husbandry, to be used in the Cultivation of Lands,

Exemptions from Toll.

or any Lime, Dung, Compost, or other Manure to be used or laid upon Lands, or going or returning empty, or loaded only with necessary Implements or Utensils, when employed in any such Manner as aforesaid; nor shall any Toll be demanded or taken for any Horses, Mares, Geldings, Mules, Asses, or Cattle going to or returning from Work, in cultivating the Lands within the same Parishes, Townships, Districts or Places, or any of them; nor for any Horses, Mares, Geldings, Mules, Asses, Cattle, Sheep, Lambs 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 having been shod; 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 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 shall any Toll be demanded or taken for any Horses or other Beasts of Draught, or Carriage going to or returning from any Mill with any Corn to be ground for the Use only of the Families to whom such Corn shall belong; 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 public 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.

XI. And whereas by the said Act of the Thirteenth Year of His present Majesty, it was enacted, that the said Trustees, or any Five or more of them, or such Person or Persons as they or any Five or more of them should

should by Writing under their Hands authorize and appoint, should and might (at all Times between the First Day of *November* and the First Day of *April* in every Year) demand and take at all Turnpike Gates upon the said Road, or on the Sides thereof, for every Waggon, Wain, Cart, or other Carriage laden with or carrying Grain or Corn in the Straw, or Hay, Fodder, Lime, Dung, Mould, Compost, Sand, or any other Manure, of what Kind or Nature soever, or with any Materials for erecting or repairing any House or Building, such and the like Tolls as were imposed by that Act, upon any Waggons, Wains or Carts, laden with any other Thing whatsoever, and drawn by the same Number of Horses, Oxen, or other Beasts of Draught: And whereas it is expedient that a like additional Toll should be granted by this Act in respect of Carts and other Carriages having Wheels of less Breadth than Six Inches, laden with Lime, Dung, Mould, Compost, Sand, or any other Manure whatsoever; be it therefore enacted, That at all Times between the First Day of *November* and the First Day of *April* in each Year, no Person or Persons shall be exempt from the Tolls herein-before granted, in respect of any Waggon, Wain, Cart, or other Carriage laden as last aforesaid, unless the Soles or Bottoms of the Fellies of the Wheels thereof, shall be of the Breadth or Gauge of Six Inches at the least.

XII. And be it further enacted, That from and after the Fifteenth Day of *August* One thousand eight hundred and thirteen, the present Leases granted by the said Trustees to *Robert Dixon* and *Robert Farrow*, of the Tolls arising or payable on the said Road, shall cease, determine, and be null and void as to the Residue of the respective Terms for which the Tolls were leased to them respectively, and the said Lessees respectively shall thenceforth be released and discharged therefrom (except so far as respects the Payment and Recovery of any Rent or Sum or Sums of Money which shall on the said Fifteenth Day of *August* One thousand eight hundred and thirteen, be due and payable from the said *Robert Dixon* and *Robert Farrow* respectively, upon or by virtue of the said respective Leases and Performance of any Covenant or Agreement therein respectively contained, which ought to have been performed previous to the said Fifteenth Day of *August* One thousand eight hundred and thirteen); and it shall be lawful for the said Trustees to make such Compensation to the said *Robert Dixon* and *Robert Farrow* respectively, either by Allowance or Abatement out of the Rent payable by them respectively, or otherwise, as they the said Trustees or any Seven of them shall deem reasonable and proper, for such Determination of their said respective Leases, or any Loss or Damage which the said *Robert Dixon* and *Robert Farrow* respectively shall or may sustain during the Continuance of their said respective Contracts or Leases; and in case the said respective Lessees, or either of them, shall be dissatisfied therewith, it shall be lawful for them respectively to sue for and recover such reasonable Damages as they may respectively be entitled to by reason of the Determination of their respective Contracts or Leases.

XIII. Provided also, and be it further enacted, That immediately, or as soon as conveniently may be after the Commencement of this Act, it shall and may be lawful to and for the Trustees for putting the same Act in Execution, or any Seven or more of them, and so from Time to Time, to demise or let to farm all or any of the Tolls granted or arising by or by virtue of this Act, in such Manner and Form and otherwise according to the

The present Leases to determine previous to the Commencement of this Act;

except as to Arrears of Rent, &c.

Trustees to have Power to compensate Dixon and Farrow for Losses.

Power to let the Tolls granted by this Act.

the Directions and Provisions in that Behalf contained in an Act passed in the Thirteenth Year of the Reign of His present Majesty, for regulating the Turnpike Roads in that Part of *Great Britain* called *England*: Provided nevertheless, that the Notice of the first letting of such Tolls after the passing of this Act, shall contain a List or Schedule of the Tolls by this Act granted or by virtue thereof authorized to be taken on the said Road, without being compelled to specify in such Notice, or at the first letting of such Tolls to put up the same at the Sums which the Tolls now payable on the said Road are let for or produce; and that on the Determination of the Leases granted to the said *Robert Dixon* and *Robert Farrow* respectively as herein-before mentioned, it shall and may be lawful to and for the said Trustees or their Clerk or Treasurer, or any other Person or Persons authorized by Writing under the Hands of any Seven or more of the said Trustees, to enter upon and take Possession of all and every the Toll Houses, Toll Gates, or Toll Bars and Weighing Machines, and the Buildings and Appurtenances thereunto belonging; and in case of the said *Robert Dixon* and *Robert Farrow*, or either of them, neglecting or refusing to leave or quit the Possession thereof, or any Part thereof, to remove them respectively, and their respective Servants or Agents, from and out of such Possession, and from the Collection of the Tolls arising or payable on the said Road.

Trustees may take Possession of Toll Houses if Lessees neglect to pay Rent;

and vacate Leases.

XIV. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, shall be demised or let to farm, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Thirty Days next after any of the Days on which the same ought to be paid pursuant to the Lease or Agreement for the demising or letting thereof; then and in either of those Cases the said Trustees for putting this Act in Execution, or any Seven of them, or their Clerk or Treasurer, or any Person or Persons authorized by Writing under their Hands, shall and may, and they are hereby authorized to enter upon and take Possession of every or any Toll House, Toll Gate, Toll Bar or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Contract or Agreement for demising or letting the said Tolls to any Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Covenants or Agreements on the Lessees part, as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, in every such Case, to demise or let to farm the said Tolls again to any other Person or Persons, or to cause them to be collected, as if no former Demise, Contract, or Agreement had been made relating thereto.

To prevent Injury to Footpaths

XV. And be it further enacted, That if any Person or Persons shall at any Time hereafter ride or drive any Horse, Ass, Beast or Cattle, or wheel,



wheel, draw, thrust, or drive any Wheelbarrow, Truck, Dray, Sledge, or other Carriage, or make or cause any Nuisance, Annoyance, or Obstruction upon, or otherwise injure or destroy any Footpath or Causeway made or to be made on either Side of the said Road, for the Accommodation of Foot Passengers only, every Person shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings.

XVI. And whereas by the said last recited Act Power is given to the said Trustees, or any Five or more of them, to turn, alter, or widen the Way or Path of any Part of the said Road, and to purchase any Lands or Tenements for that Purpose in Manner therein mentioned, but no Power is given by the said Act to Corporations, or Persons under legal Disabilities, to sell or convey any Lands or Tenements to the said Trustees; be it therefore enacted, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations, Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infant, Females Covert, *Cestuique* Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized, possessed of, or interested in any such Lands or Tenements, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to sell and convey to the said Trustees, or any Five or more of them, all or any of such Lands and Tenements as Occasion shall be or require, and all Sales and Conveyances which shall be so made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding: And all such Bodies Politic, Corporate or Collegiate, Corporations, Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

XVII. 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 last recited Act or this Act, which shall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Females 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 Privy 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 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

Application of Compensation when amounting to 200l.

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 mean Time and until such Purchase 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.

Application where the Compensation is less than 200l. and exceeds 20l.

XVIII. 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 Politic or Corporate, 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 herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XIX. 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 of them 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.

XX. And

XX. 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 said 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 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.

In case of not making out Titles.

XXI. 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 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.

Persons in Possession presumptively entitled.

XXII. Provided

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

XXII. 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 for 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.

Regulations  
as to Per-  
formance of  
Statute Duty.

XXIII. And be it further enacted, That so much of the said last 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; 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 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 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, 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 Road, 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 their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the  
said

faid Trustees or their Treasurer, at such Time or Times, as the said 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 last 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.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees for putting this Act in Execution, or any Five or more of them, from Time to Time to contract and agree with any Person or Persons for the repairing of the said Road, or any Part or Parts thereof, in such Manner and for such Sum or Sums of Money, annually or otherwise, or for such Consideration as the said Trustees shall think proper.

Trustees may contract for Repairs.

XXV. And be it further enacted, That all Penalties and Forfeitures for Offences against this Act, or hereby made payable, shall be recovered and applied in such Manner as the Penalties, Forfeitures, and Fines inflicted or authorized to be imposed by the said recited Act, are thereby directed to be recovered and applied.

Recovery and Application of Penalties under this Act.

XXVI. And be it further enacted, That the Expences of 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 the said recited Act, or out of the first Money to be raised by virtue of this Act, in preference to all other Payments whatsoever.

Expences of obtaining and passing this Act.

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

Public Act.

[Loc. & Per.]

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XXVIII. And

Commence-  
ment and  
Continuance  
of this Act.

XXVIII. And be it further enacted, That this Act shall commence upon the Twenty-fourth Day of *June* One thousand eight hundred and thirteen, 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.

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