



ANNO QUINQUAGESIMO NONO

# GEORGI II. REGIS.

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## Cap. lviii.

An Act for more effectually making, amending, and maintaining certain Roads and Bridges in the Counties of *Durham* and *Berwick*, and Liberties of *Berwick-upon-Tweed*; for repairing and maintaining certain other Roads therein mentioned; and for improving the Entrance to the Town of *Berwick-upon-Tweed*. [14th June 1819.]

**W**HEREAS by an Act passed in the Forty-second Year of the Reign of His present Majesty, intituled *An Act for the 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; certain Persons therein described were appointed Trustees for putting the said Act into Execution; and certain Powers and Authorities were given to them for the more effectually making, amending, widening, improving, and maintaining the said Roads, and for making, erecting, and maintaining the said Bridges, and for putting in Execution all the other Powers by the said Act granted: And whereas by another Act passed in the Fiftieth Year of the Reign of His present Majesty, for amending the said Act,*

42G.3.c.117.

50G.3.c.61.

[Local.]

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the Powers of the said former Act were further enlarged : And whereas, under the Authority of the said Acts, the said Roads and the Bridges thereon have been made and repaired (excepting the Bridges by the said recited Acts authorized to be made over the River *Tweed*, and Roads of Communication therewith, which have not yet been made), and considerable Sums of Money have been advanced or borrowed on the Credit of the Tolls and Duties thereby authorized to be levied, which Sums of Money are still due and owing ; and the said Roads and Bridges thereon cannot be effectually amended, widened, improved, and kept in Repair, nor the said Bridges over the River *Tweed*, and Roads of Communication made, nor the Sums of Money so advanced or borrowed, and the Interest thereof still owing be repaid, unless Powers be given to levy increased Tolls and Duties thereon : And whereas the following Roads lying in the County of *Durham*, videlicet, the Road from the *Cornhill* Turnpike Road by *Grindon* to the *Etal* Turnpike Road at or near *Felkington* ; the Road from the said *Cornhill* Turnpike Road at or near *Longridge* to the said *Etal* Turnpike Road at or near *Murton*, and from thence by *Murton* and *Unthank Moor* to the *Wooler* Turnpike Road at or near the *Oxford* Limekilns ; the Road from the River *Tweed* at or near *Norbam* by *Shoreswood* to the *Etal* Turnpike Road at the *Folly* ; and the Road from the River *Tweed* at or near *Norbam* to the *Cornhill* Turnpike Road at *Velvet Hall* Bridge, and by *Thornton* to the *Folly*, are in bad Condition ; and it is expedient that the same should be effectually made, improved, and maintained : And whereas it would be of great Utility to the Public, if Powers were given to improve the Entrance into the said Town of *Berwick-upon-Tweed* from the South : And whereas it is expedient that the said recited Acts should be repealed, and that more extensive Powers and Authorities should be given in relation to the same and the Purposes aforesaid : May it therefore please Your Majesty that, it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Acts of the Forty-second and Fiftieth Years of the Reign of His present Majesty shall be and the same are hereby repealed ; and from thenceforth the several Tolls, Powers, Penalties, Forfeitures, Exemptions, Clauses, Matters, and Things in this Act contained, shall be put in Execution, and shall continue in force during the Term herein mentioned, for the Purpose of making, amending, improving, and maintaining the Roads hereinafter specified, and for the other Purposes in this Act mentioned.

Recited Act  
repealed.

Tolls made  
subject to the  
Payment of  
Monies due  
by recited  
Acts or this  
Act.

Debts to  
Trustees.

II. Provided nevertheless, and be it enacted, That all the Tolls and Duties which are hereby authorized to be levied shall, under the Conditions and Provisions hereinafter mentioned, be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said Acts hereby repealed, and shall also be liable to the Payment of all Sums of Money which may hereafter be borrowed on the Credit of this Act, and of all Interest due or that may become due thereon, as fully and effectually to all Intents and Purposes as if such Money had been borrowed or become due and owing on the Credit or on account of this Act ; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said recited Acts hereby repealed, or either of them, shall be liable to the Payment thereof to the Trustees under this Act ; and all Conveyances, Covenants, Agreements,

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Contracts, or Securities entered into by any Person or Persons to or with the Trustees for executing the said recited Acts hereby repealed, according to the Provisions and Directions thereof, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed on account and for the Benefit of the Roads and Bridges under this Act; and all Mortgages, Bonds, Conveyances, Lettings of Tolls, Orders, Contracts, and Agreements duly made or entered into by the said Trustees for executing the said Acts hereby repealed, or either of them, shall so far as the same are not altered or avoided by this Act remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively; and that all Tolls and Duties due, and Penalties and Forfeitures incurred in virtue of the said recited Acts hereby repealed, or of either of them, shall be held to be due and incurred, and shall be exigible by the Trustees under this Act; any Thing herein contained to the contrary notwithstanding.

All Contracts, Securities, &c. by virtue of former Acts, continued.

III. And be it enacted, That *Alexander Allan, George Adam Askew, Henry Askew, Thomas Grey Alder, William Rowland Alder, the Honourable Henry Grey Bennett, Sir Francis Blake Baronet, Robert Dudley Blake, George Baillie, George Baillie junior, Thomas Wentworth Beaumont, the Mayor, Recorder, and Vicar of Berwick for the Time being, George Buchan, Thomas Boswall, John Bell of Ninewar, Matthew Bell, Andrew Bonar, John Bonar, William Berry, William Burrell, James Grieve Burn, Thomas Bates, Sir Thomas Clavering Baronet, Sir William Purves, Hume Campbell Baronet, Henry Collingwood, Anthony Compton, Ralph Compton, Alexander Christie, William Clark, Matthew Culley of Fowberry, Matthew Culley of Akeld, James Dickson, Henry Dinning, Robert De Lisse, John Strangeways Donaldson, John Strangeways Donaldson, John Miller Dickson, John Dickson, George Dickson of Bellchester, Cuthbert Ellison, Thomas John Fordyce, Matthew Forster, James Forster, Ralph Forster of Downham, Thomas Forster of Lucker, Anthony Gregson, William Grieve of Ord House, James Grieve of Ord House, Burnett Grieve, John Grey of West Ord, John Grey of Berrington, James Grey, George Grey of Middle Ord, Stephen Fryer Gillum, the Honourable Grey commonly called Lord Viscount Howick, Sir Carnaby Haggerston Baronet, Sir James Hall Baronet, Thomas Haggerston, Thomas Haggerston junior, Joseph Hume, George Home, William Hepburn, George Hogarth of Marshall Meadows, John Hall of Dunglass, Abraham Home, George Hogarth of Hilton, William Hay, James Home of Broomhouse, William Jeffreys, Robert Johnston, Hume Johnston, Thomas Kerr of Tone, John George Lambton, George Logan of Edrom, George Logan of New Edrom, William Stow Lundie, David Low, George Logan of Burnhouses, Sir John Marjoribanks Baronet, Sir Charles Miles Lambert Monck Baronet, Joseph Marshall, William Molle, James Murray, the Honourable William Mordaunt Maitland, Henry Morton, Thomas Morton, Murray of Bellevue, the Vicar of Norham for the Time being, Robert Nisbet, Robert Nicholson of Loanend, the Honourable Charles Augustus Bennett commonly called Lord Ossulston, Daniel Ord, George Frederick Ord, Robert Ogle of Edlingham, Leonard Shaftoe Ord, John Bentram Orde, the Honourable William John Frederick Vane Powlett, Sir John Pringle Baronet, William Pattison, John Pratt of Bellshill, John Pratt of Melkington, Sir Matthew White Ridley Baronet, Sir James Riddell Baronet, Alexander Renton, Robert Romer, Mark Riddell, William Riddell,*

Trustees.



*Riddell, John Robertson, William Robertson of Ladykirk, Robert Robertson, David Renton, Sir James Stuart Baronet, Sir Thomas Stanley Maffey Stanley Baronet, Sir Horace David Cholwell Saint Paul Baronet, Henry Heneage Saint Paul, John Swinton of Swinton, John Swinton junior of Swinton, John Swinton of Broad Meadows, Henry Collingwood Selby, Prideaux John Selby, John Sibbit, Francis Sitwell, Grieve Smith, Michael Angelo Taylor, George Taitt, James Thomson of Eamslaw, George Taylor of Cheswick, Richard Taylor of Cheswick, the Honourable John Vaughan, Richard Wharton, John Allan Wilkie, James Wilkie, William Waite, Robert Wilkie, John Wilson of Cumledge, John Wauchope, His Majesty's Justices of the Peace for the Counties of Durham and Berwick, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for the Purposes of making, amending, improving, and maintaining the Roads herein-after specified, lying in the County of Durham; videlicet, the Road from Berwick-upon-Tweed to Buckton Burn in the County of Durham, being the Great Post Road from Berwick to Newcastle and London; the Road branching from the last-mentioned Road near Scremerston, and leading through Ancroft to the Lickerburn, being the High Road towards Wooler, in the County of Northumberland, and commonly called the Wooler Turnpike Road; the Road from the High Toll Gate at Tweedmouth in the County of Durham, through Duddo, to the Brook called Horn Burn, being the High Road from Berwick towards Etal and Ford Bridge, in the County of Northumberland, and commonly called the Etal Turnpike Road; the Road branching from the last-mentioned Road and leading through the lower Part of the Village of East Ord, through Twisel and Cornhill, to Deddo Burn, being the High Road from Berwick towards Coldstream, Kelso, Jedburgh, and Hawick, and commonly called the Cornhill Turnpike Road; as also the Roads herein-after specified, lying within the Liberties of the Borough of Berwick-upon-Tweed; videlicet, the Road leading from Berwick aforesaid to Lammerton in the Shire of Berwick, being the Great Post Road from Berwick to Edinburgh; the Road branching from the last-mentioned Road at the Bottom of the Calf Hill, and leading by the South Side of the Hallidown Hill to the Bound Road at Mordington Toll Bar, being the High Road from Berwick to Dunse, in the Shire of Berwick; the Road branching from the last-mentioned Road at a Place called the Alder Bush, and leading across the River Whitadder to the Bound Road at Paxton Toll Bar; as also the Roads herein-after specified, lying in the said County of Durham; videlicet, the Road leading from the Cornhill Turnpike Road, by Grindon, to the Etal Turnpike Road at or near Felkington; the Road from the Cornhill Turnpike Road at or near Longridge, to the Etal Turnpike Road at or near Murton, and from thence by Murton and Unthank Moor to the Wooler Turnpike Road, at or near the Oxford Limekilns; the Road from the River Tweed at or near Norham, by Shoreswood, to the Etal Turnpike Road at the Folly; the Road from the Tweed at or near Norham, to the Cornhill Turnpike Road at Velvet Hall Bridge, and by Thornton to the Etal Turnpike Road at or near the Folly; and for repairing the Bridges and necessary Works on the same; for erecting the said Bridges over the River Tweed; for making the necessary Roads of Communication therewith; for improving the Entrance into the said Town of Berwick-upon-Tweed from the South; and for putting in Execution all the other Powers and Authorities by this Act given and granted.*



IV. And be it enacted, That it shall be lawful for the Trustees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their General Meetings to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Ten in Whole to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified in Manner herein-after mentioned, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

Power to  
appoint  
additional  
Trustees.

V. And be it further enacted, That as often as any of the said Trustees hereby appointed, or to be elected in Manner herein-before or herein-after mentioned, shall die, or by Notice in Writing under his or their Hand or Hands to the Clerk to the said Trustees refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Five or more of them, by any Writing or Writings under their Hands, from Time to Time to elect one other fit Person to be a Trustee in the Room of each Trustee so dying or refusing to act; provided that Notice of the Time and Place of Meeting for the Election of all such new Trustees shall be affixed by the Clerk or Clerks to the said Trustees for the Time being at or on all the Turnpike Gates which now are erected or shall be erected, and shall be at the Time in use, by virtue of this Act, at least Seven Days before the Meeting for such Election; and all such Persons as shall be chosen and appointed new Trustees as aforesaid, shall be joined with such surviving Trustees, and shall be and are hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample a Manner as if such Persons had been particularly named in and appointed by this Act.

New Trustees  
to be elected.

VI. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless at the Time of his acting therein, he shall be in the actual Possession, Enjoyment, or Receipt of Rents and Profits of Lands, Tenements, Hereditaments, or Heritages, being Freehold or Copyhold, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate to the Amount of Four thousand Pounds, nor before he shall have taken and subscribed the Oath or Affirmation following, which Oath or Affirmation the said Trustees, or any One or more of them, are hereby empowered and required to administer in the Words or to the Effect following; (that is to say),

Qualification  
of Trustees.

I *A. B.* do swear [*or, being One of the People called Quakers, do solemnly affirm*], That I truly and *bonâ fide* am in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds, or am Heir Apparent of a Person in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, Hereditaments, or Heritages of the clear yearly Value of One hundred and fifty Pounds, or am possessed of a Personal Estate to the Amount of Four thousand Pounds (*as the Case may be.*) ‘ So help me GOD.’

Oath.

And if any Person not qualified as aforesaid shall nevertheless presume to act as a Trustee in the Execution of this Act, contrary to the true Intent

Penalty for  
acting not  
being qual-  
fied.



tent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Impar lance, shall be allowed; or in the Court of Session in *Scotland*, by way of summary Complaint or Petition.

Acts of un-qualified Trustees previous to Conviction valid.

VII. Provided always, and be it further enacted, That all Acts and Proceedings which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual, as if such Person had been qualified according to the Directions of this Act.

Mortgagees may act as Trustees.

VIII. Provided always, and be it enacted, That no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any Tolls granted by this Act or either of the said recited Acts, or receiving Interest thereout for the same, shall be deemed unqualified or disabled from acting as a Trustee in the Execution of this Act.

Trustees, &c. not to hold Places of Profit.

IX. Provided also, and be it enacted and declared, That if any Person or Persons hereby appointed or to be appointed under the Authority of this Act as a Trustee or Trustees for putting this Act into Execution, shall have or accept of any Place of Profit, or shall be concerned or interested in any Contract or Contracts under this Act, such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting and during the Enjoyment of such Place of Profit as aforesaid; and no Person who shall keep a Public House for the selling or retailing of Beer, Ale, or Spirituous Liquors, shall be capable to act as a Trustee, or to hold or enjoy any Office or Situation of Trust or Profit under this Act.

Trustees first Meeting.

X. And be it further enacted, That the said Trustees shall meet together at the *Hen and Chickens Inn* in *Berwick-upon-Tweed* on the Third *Saturday* next after the passing of this Act, at the Hour of Twelve at Noon, or as soon after as conveniently may be, and proceed to the Execution of this Act; and that such first Meeting, or any subsequent Meeting of Trustees under this Act, may be adjourned from Time to Time as the Trustees present thereat shall judge necessary, and shall meet at such Time and Place within the said County of *Durham*, or the said Town of *Berwick-upon-Tweed*, or the Liberties thereof, as the Trustees present shall think proper; and in the Event of a smaller Number of Trustees than Three or of only One Trustee attending at the first Meeting to be held at the *Hen and Chickens Inn* in *Berwick-upon-Tweed* as aforesaid, or at any subsequent Meeting, it shall be in the Power of the said smaller Number of Trustees so assembled, or such One Trustee, to adjourn such Meeting to such Day as they or he shall think proper, not being more distant than one Calendar Month from and after the Day appointed for such former Meeting as aforesaid; and such Trustees or Trustee who shall so adjourn the Meeting as aforesaid, shall authorize their Clerk, appointed as herein-after mentioned, to give Notice by Advertisement

Power to adjourn, &c.

tisement announcing such Adjournment; and such Clerk shall cause Notice in Writing of such Adjournment to be affixed to any Two of the Turnpike Gates already erected or to be erected by virtue of this Act; or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, or in the Event of no Trustee attending at the Time and Place appointed for any Meeting of Trustees, then and in every such Case any Two or more of the said Trustees, or the Clerk to the said Trustees, shall call another Meeting of Trustees, by Notice in Writing to be affixed on any Two of the Turnpike Gates erected or to be erected by virtue of this Act, at least Six Days before the Day appointed for such Meeting, which shall not be later than One Calendar Month after the Day of or appointed for such former Meeting as aforesaid; stating the Day for such Meeting, and appointing the said Trustees to meet at the House or Place where the last Meeting was held, or was appointed to be held, or some other convenient House or Place within the said County, or the said Town or Liberties; and the said Trustees shall, at their Meetings, defray their own Expences; and all Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise (except as herein particularly mentioned); and no Order or Determination shall be made, unless the major Part of the Trustees present shall concur therein; and such One of the Trustees present, as the major Part of them then attending shall appoint, shall preside and be called Chairman; and all Acts, Orders, and Proceedings which are hereby directed to be done, made, or had by or before the said Trustees, shall and may be done, made, or had by or before any Three or more of them (except where any greater Number is hereby required); and all Acts, Orders, and Proceedings made or had by or before such Three Trustees, shall have the same Force and Effect as if the same were done, made, or had by or before the whole Number of Trustees; and that no Order or Determination of the said Trustees shall be revoked or altered, unless Seven Trustees shall be present, and Five at least shall concur therein; and that all such Trustees as are Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees or Creditors upon the Tolls (except only in such Cases where they may be personally interested); and in all Cases where the Trustees are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees to administer such Oath.

Orders to  
be made at  
Meetings.

Quorum.

Trustees that  
are Justices  
may act as  
such.

Trustees may  
administer  
Oath.

XI. And be it further enacted, That if after any Meeting of the said Trustees it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed for the next Meeting, in that Case the Clerk to the said Trustees, upon an Order in Writing, signed by Three or more of the acting Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Six Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournments.

Meetings on  
Emergencies.

XII. And



Trustees to  
appoint  
Collectors  
and other  
Officers ;

XII. And be it further enacted, That the said Trustees assembled at their First or any succeeding Meeting, shall and may and they are hereby empowered to choose and appoint fit Persons to be Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors to the said Trustees, for receiving the Tolls and Duties granted and made payable by this Act, and also One or more fit Person or Persons to be Surveyor or Surveyors of the said Roads, or such other Officers as the said Trustees shall think necessary, and from Time to Time to remove such Clerk, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees shall see Occasion, and to appoint new Ones in case of the Death or Removal of them, or any of them ; and all and every Person and Persons who is, are, or shall be liable by this Act to pay the Tolls and Duties by this Act granted, is and are hereby required to pay the same to such Persons as shall from Time to Time be so appointed to collect or receive the same ; and the said Trustees shall and may, out of the Money arising by the said Tolls, make such Allowances to the Clerk, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers appointed as aforesaid, for and in Consideration of his or their Care and Pains in the Execution of his and their respective Offices, and to such other Person or Persons as shall be assisting in and about the procuring the said Roads, Bridges, and other Works to be made or repaired, by advancing or laying out any Money or otherwise relating thereto, as to the said Trustees shall appear reasonable ; and every such Officer and Person as shall be appointed by virtue of this Act, shall from Time to Time, when thereunto required by the said Trustees, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand, of all Monies which shall have been by him had, collected, and received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments ; and every such Officer and Person shall and he is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him, to such Person or Persons as the said Trustees shall appoint to receive the same ; and if such Officer or Person shall refuse or neglect to render up and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in his Hands when thereunto required in Manner aforesaid ; or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall direct or appoint, within Ten Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made by the said Trustees of any such Neglect or Refusal to any Justice of the Peace for the County, Town, or District, where the Officer or Person so neglecting or refusing shall live or reside, such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts if produced, in such Manner as the said Trustees might have done ; and if upon the Confession of the Officer or Person against whom such Complaint shall be made,

Officers to  
account ;

and pay Balances ;

and deliver  
up Vouchers  
and Books.

Justices may  
settle the Ac-  
counts.



or by the Oath or Oaths of any Witness or Witnesses, it shall appear to the said Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Person, such Justice may and is hereby authorized and empowered, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of making and taking such Distress and of selling the same, or if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to make out and deliver to the said Justice the several Vouchers and Receipts relative to such Account, or to deliver up all such Books, Papers, and Writings as aforesaid, then, and in either of the Cases aforesaid, the said Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction of the County or District where he shall live or reside, there to remain without Bail or Mainprize until he shall have delivered in and settled his Account, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies which shall appear to be in his Hands, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or they shall have compounded with the said Trustees for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, (and which Composition the said Trustees are hereby empowered to make and receive), or until he shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees; provided always, that no Person who shall be committed for Want of sufficient Distress, shall be detained in Prison by virtue of this Act for any longer Time than Twelve Calendar Months.

Balance to be levied by Distress, &c.

XIII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed, or in the Court of Session in *Scotland*, by way of summary Complaint or Petition.

Office of Clerk and Treasurer not to be held by the same Person.

XIV. And be it further enacted, That all Orders and Determinations of the said Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered and signed

Orders of Trustees to be entered in a Book.

[Local.]

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Books to be Evidence.

by a competent Number of the said Trustees, or their Chairman, shall be deemed to be original Orders and Proceedings; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of Tolls, shall and may be read in Evidence in Cases of Appeal, and in all Suits or Actions touching any Thing done or to be done in pursuance of this Act.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XV. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Roads and Bridges, or any or either of them, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the Clerk shall refuse to permit or shall not permit the said Trustees, or such Creditors, to inspect such Book or Books, or to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Power to appoint Committees.

XVI. And be it enacted, That the said Trustees may appoint Committees of their own Number to take the Care and Management of particular Parts or Branches of the said Roads, or of the said Bridges, or either of them, according to such Instructions, Rules, and Regulations, as shall be given and laid down by the said Trustees in a General Meeting assembled, consistent with this Act; and the said Trustees may appoint a Clerk, Treasurer, or Surveyor, or Clerks, Treasurers, and Surveyors, for such particular Parts or Branches of the said Roads, or for the said Bridges, or either of them, with proper Salaries, or authorize their Committees to make such Appointments; and the said Committees and Surveyors may direct the repairing and keeping in Repair such Part or Parts, Branch or Branches of the said Roads, or the said Bridges, or either of them, as shall be entrusted to their Care; but such Committees and their Treasurers, Clerks, Surveyors, and other Officers, shall always be accountable for the Money which they shall draw or receive, according to the Instructions, Rules, and Regulations so to be made by the said Trustees at their General Meetings.

Treasurer, &c. to give Security.

XVII. Provided always, and be it further enacted, That the Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, to be appointed as aforesaid, shall, before he or they shall enter upon his or their respective Offices, give Security for the due and faithful Execution thereof to the Satisfaction of the said Trustees, which Security the said Trustees are hereby required to take, and to cause the same to be deposited either in the Hands of the Clerk of the Peace of the County of *Durham*, or of the Town Clerk of the said Town of *Berwick-upon-Tweed*, as the said Trustees shall think fit.



XVIII. And be it enacted, That the said Trustees or any Five or more of them shall and may and they are hereby authorized and empowered to continue all or any of the Gates or Turnpikes now erected in or on the Sides of the said Roads (except the Gate at *Cornhill* as herein-after mentioned), and to cause to be erected and set up such other Gates or Turnpikes as they shall judge requisite, in Manner hereinafter mentioned, upon, across, or on the Sides of any other Part or Parts of the said Roads herein-before directed to be repaired: Provided always, that no such Gate or Turnpike shall be continued, erected, or set up on any Part of the *Cornhill* Turnpike Road farther to the West than the East Side of the Turnpike Road from *Wooler* to *Cornhill* where it joins the *Cornhill* Turnpike Road near the Village of *Cornhill*; and provided also, that no new Gate or Turnpike shall be caused to be erected by any smaller Number of Trustees than Five, upon previous Public Notice of Twenty Days being given in One of the *Newcastle* and *Berwick* Newspapers, specifying the Time and Place of Meeting; and that such Meeting is to be held in order to consider of the setting up or erecting of Gates across or on the Sides of some of the said Roads (specifying them); and the said Trustees or any Five or more of them shall erect or provide such Toll Houses at the respective Places where the said Gates shall be set up, and with necessary Yards or Gardens thereto, not exceeding One-eighth of an Acre for each, as they shall think convenient; and that the respective Tolls following shall be demanded and taken 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, Mule, Ass, Cattle, Sheep, Calves, Hogs, Lambs, Goats, Kids, Coach, Landau, Chariot, Barouche, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the Gates hereafter respectively mentioned; that is to say,

At each of the Toll Gates erected or to be erected at or near *Tweedmouth* and *East Ord* in the County of *Durham*,

Tolls at  
East Ord and  
Tweedmouth  
Toll Gates.

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Landau, Chariot, Barouche, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, Five-pence Halfpenny:

For every Horse, Mule, Ox, or other Beast whatsoever, other than an Ass, drawing any Waggon, Wain, Cart, or other such Carriage, Three-pence Halfpenny:

For every Ass drawing any Waggon, Wain, Cart, or other such Carriage, Two-pence:

For every Horse, Mule, or Beast of Burden, other than an Ass, laden or unladen, and not drawing, Two-pence Halfpenny:

For every Ass, laden or unladen, and not drawing, One Penny Halfpenny:

For every Score of Oxen, Cows, or Neat Cattle, or young Horses unshod, Seven-pence; and so in proportion for any greater or less Number:

For every Score of Calves, Hogs, Sheep, Lambs, Goats, or Kids, Three-pence Halfpenny; and so in proportion for any greater or less Number.

At each of the Toll Gates erected or to be erected on any of the said Roads situated within the County of *Durham*, except the Three Toll Gates situated at or near *Tweedmouth* and *East Ord*,

Tolls at Gates  
in County of  
*Durham*, ex-  
cept *East Ord*  
and *Tweed-*  
*mouth*.

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Landau,



Landau, Chariot, Barouche, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, Four-pence Halfpenny :

For every Horse, Mule, or other Beast whatsoever, other than an Ass, drawing any Waggon, Wain, Cart, or other such Carriage, Three-pence :

For every Ass drawing any Waggon, Wain, Cart, or other such Carriage, One Penny Halfpenny :

For every Horse, Mule, or Beast of Burden, other than an Ass, laden or unladen, and not drawing, Two-pence :

For every Ass, laden or unladen, and not drawing, One Penny :

For every Score of Oxen, Cows, or Neat Cattle, or young Horses unshod, Sixpence ; and so in proportion for any greater or less Number :

For every Score of Calves, Hogs, Sheep, Lambs, Goats, or Kids, Three-pence ; and so in proportion for any greater or less Number :

Tolls at Gates  
in the Liber-  
ties of Ber-  
wick.

At each of the Toll Gates erected or to be erected on any of the Roads situated within the Liberties of the Borough of *Berwick-upon-Tweed*,

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Landau, Chariot, Barouche, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, One Penny Halfpenny :

For every Horse, Mule, Ox, or other Beast whatsoever, other than an Ass drawing any Waggon, Wain, Cart, or other such Carriage, One Penny :

For every Ass drawing any Waggon, Wain, Cart, or other such Carriage, One Halfpenny :

For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, One Halfpenny.

For every Score of Oxen, Cows, or Neat Cattle, or young Horses unshod, Two-pence ; and so in proportion for any greater or less Number :

For every Score of Calves, Hogs, Sheep, Lambs, Goats, or Kids, One Penny ; and so in proportion for any greater or less Number.

BroadWheels  
to pay a  
smaller Toll.

XIX. Provided always, and be it enacted, That all Waggons, Wains, Carts, or other Carriages, which shall travel with Broad Wheels of the Description after specified, shall be liable to pay One Half only of the Tolls and Duties herein-before charged on such Waggons, Wains, Carts, and other Carriages respectively ; provided such Waggon, Wain, Cart, or other such Carriage shall have the Soles or Bottoms of the Fellies of all the Wheels thereof of the Breadth of Five Inches or upwards, and be cylindrical ; that is to say, of the same Diameter on the Inside next the Carriage as on the Outside, and in every intermediate Part between the Inside and Outside, so that when such Wheels shall be rolling on a flat or level Surface the whole Breadth thereof shall bear equally on such flat or level Surface ; and provided that the opposite Ends of the Axletrees of such Waggon, Wain, Cart, or other Carriage, so far as the same shall be inserted in the respective Naves of the Wheels thereof, shall be horizontal, and in the Continuance of one straight Line, without forming any Angle with each other, and so that in each Pair of Wheels belonging to such Carriage the lower Parts when resting on the Ground shall be at the same Distance from each other as the upper Parts of such Pair of Wheels, and further, having the Nails sunk level with the Rings on the Wheels ; and provided also, that every Waggon, Wain, Cart,  
or



or Carriage with Four Wheels, (the Wheels thereof being cylindrical as before mentioned), shall have the Axletrees thereof of such different Lengths that the fore and hind Wheels shall roll only one single Surface or Path of Seven Inches and a Half wide at least, on each Side of such Waggon, Wain, Carr, or Carriage: Provided also, that every Person claiming the Privilege so granted to Broad-wheeled Carriages shall permit the same to be measured by any Person appointed by the said Trustees, or concerned in the Collection of the said Tolls or Duties.

XX. Provided always, and be it enacted, That any Person who shall have paid Toll for any Horse, Mule, Ass, Ox, Sheep, or other Cattle, or for any Carriage, at any Gate nearest to either Extremity of any one of the Lines of Road before mentioned, shall not be liable to pay Toll again at any 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, so that no Person shall be required to pay the said Tolls more than Twice on any one of the said Lines of Road before mentioned, neither shall any Person be required to pay the said Tolls more than Once in Six Miles on any one of the said Lines of Road before mentioned.

Rule for charging the Tolls on the Roads.

XXI. Provided also, and be it further enacted, That in case the Right Honourable the Earl of *Tankerville* and the Right Honourable Earl *Grey* shall each of them respectively, on or before the First Day of *September* One thousand eight hundred and nineteen, pay or cause to be paid in lieu of the said Tolls the Sum of Fifteen Pounds to the Trustees hereby appointed, or to their Treasurer or Treasurers, and shall continue annually to pay or cause to be paid the like Sum of Fifteen Pounds on or before the First Day of *September* in every succeeding Year, during the Continuance of this Act, then and in such Case only, the Corn and Wool which are the Produce of the Lands or Estates belonging to the said Earl of *Tankerville* and Earl *Grey*, and their Heirs respectively, carried or conveyed to the said Town of *Berwick-upon-Tweed*, shall not be chargeable with any of the Tolls herein-before granted on the Roads before mentioned; but if the aforesaid Sums of Money shall not be paid in Manner aforesaid, then such Corn and Wool shall be subject to and chargeable with the same Tolls and Duties as are or may be paid by any other Person or Persons passing through any of the Gates or Turnpikes already erected or to be erected by virtue of the Powers herein-before contained; and in order to prevent the Payment of the said Tolls being evaded, the said Earl of *Tankerville* and Earl *Grey*, and their Heirs respectively, shall, at the Time of paying the said Sum of Fifteen Pounds annually, deliver or cause to be delivered to the said Trustees, or their Treasurer or Treasurers as aforesaid, a List signed by them, or by their respective Agents or Stewards, containing the Names and Descriptions of such of their Tenants as shall be entitled to the Benefit of such Composition; and if any Person shall, under Pretence or Colour of the said Composition, refuse to pay the Tolls, or any of them, for any Corn or Wool which are not the Produce of the Lands or Estates of the said Earl of *Tankerville* or Earl *Grey* respectively, every such Person being convicted thereof by the Oath of One credible Witness, or by Confession of the Party, before One or more Justice or Justices of the Peace for the said County of *Durham*, or Town of *Berwick-upon-Tweed* respectively, shall forfeit and pay any Sum not exceeding the Sum of Twenty Pounds, to be levied as herein-after is directed.

Composition to be paid by Earl of *Tankerville* and Earl *Grey*.

Penalty on Persons not entitled claiming Benefit of said Composition.

[*Local.*]

17 M

XXII. And



Power  
to make  
Bridges.

XXII. And whereas the Powers and Authorities by the said recited Acts granted, for building Two new Bridges across the River *Tweed*, and making Roads of Communication thereto, have not hitherto been carried into Execution; and it is expedient that such Powers and Authorities should be continued; be it therefore enacted, That the said Trustees, or any Three of them, may and they are hereby authorized and empowered to build or make, or cause to be built or made, of such Materials and Construction as they shall think fit, a Bridge across the said River *Tweed* in the most convenient Situation that can be found for the same, at the said Town of *Norham*, or within One Mile on either Side of the Market Cross thereof; and also another Bridge across the said River *Tweed*, in the most convenient Situation that can be found for the same, at the Ford or Place called *New Water Ford*, or within One Mile on either Side thereof; and to dig and make proper Foundations in the said River and on the Lands on each Side, for the Piers, Abutments, and Landings and Fixtures of the said Bridges, and each of them, and to cut and level the Banks of the said River in such Manner as shall be necessary and proper for the said Bridges, and to cut, remove, and take away all the Trees, Roots of Trees, Beds of Gravel, Sand, Mud, or other Impediment whatsoever, which may anywise hinder the erecting, making, and completing the said Bridges, or either of them, and to erect and make in and over the said River and the Lands adjoining or near the same, any Campshots, Trenches, and Landing Places, and from Time to Time and at all Times hereafter to do all other Matters and Things necessary or convenient for making, erecting, maintaining, or supporting the said Bridges, and for executing the Purposes of this Act; and that the said Trustees shall also, and they are hereby authorized and empowered to make or cause to be made Two or more new Roads in the most convenient Direction from the said Two Bridges to the *Cornhill* Turnpike Road, or to repair and amend any old Roads in the same Direction, and also to make and form a sufficient Communication between the North Ends of the said Bridges, and the next most convenient public Roads in the said County of *Berwick*; and for those Purposes to contract and agree for the purchasing of any Lands, Tenements, Ferries, Hereditaments, or Heritages, or other Property whatsoever, which the said Trustees or any Three or more of them shall think necessary to be made use of upon Account of the said Bridges, or either of them, or the said Roads of Communication therewith, or the Execution of any of the Powers of this Act; and also to treat, contract, and agree for the Loss or Damage any Person or Persons may sustain whose Lands, Tenements, Ferries, Hereditaments, Heritages, and other Property whatsoever, shall be really and truly encroached upon, or damaged or destroyed by or on account of the building of the said Bridges, or either of them, or the Roads of Communication therewith, or the Execution of any of the Powers of this Act; and out of the Monies arising by virtue of this Act, or out of any Money to be raised on the Credit thereof, to pay for the Purchase of such Lands, Tenements, Ferries, Hereditaments, Heritages, or other Property whatsoever, or for such Loss or Damage, such Sum or Sums of Money as shall be agreed upon between the Owners and Occupiers thereof and Persons interested therein, and the said Trustees or any Three or more of them, and also the Costs and Charges attending such Agreements and Purchases respectively.



XXIII. And be it further enacted, That it shall be lawful for the said Trustees to cause a Turnpike and Toll House to be erected at such Place or Places upon or at either End of or near to each of the said respective Bridges herein-before mentioned and directed to be made or built, as they shall think proper, at each of which respective Turnpikes there shall be demanded and taken, 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 Persons, Horses, Cattle, or Carriages shall be permitted to pass through the same respectively, over and above the Tolls leviable on the said Roads in Manner herein-before mentioned, the Tolls following; (that is to say),

Tolls on or near the Bridges.

For every Foot Passenger, One Penny:

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Landau, Chariot, Batouche, Berlin, Chaise, Hearse, Calash, Chair, Taxed Cart, or other such Carriage, One Shilling:

For every Horse, Mule, Ox, or other Beast whatsoever, drawing any Waggon, Wain, Cart, or other such Carriage, Sixpence:

For every Horse, Mule, or Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of Sixpence:

For every Score of Oxen, Cows, or Neat Cattle, or young Horses unshod, the Sum of One Shilling and Eight-pence, and so in proportion for any greater or less Number; and,

For every Score of Calves, Hogs, Sheep, Lambs, Goats, or Kids, the Sum of Ten-pence, and so in proportion for any greater or less Number.

XXIV. And whereas, for the Purpose of keeping the said Bridges and the Roads leading to and from the same in good Repair, and to render the Tolls to be collected thereon or near thereto productive, it was found necessary and expedient that certain Bye Roads leading to and from the said River *Tweed*, and the Ferries and Fords herein-after mentioned, should be shut up, stopped, and discontinued, and Powers and Authorities were by the said recited Acts granted upon the Erection of the said Two Bridges to shut up, stop, and discontinue such Bye Roads, Ferries, and Fords; and it is expedient that such Powers and Authorities should be continued; be it therefore enacted, That as soon as the said Bridge authorized to be built across the said River *Tweed*, at or near *New Water Ford* aforesaid, shall be erected and made passable, the Passage over and through the said River at *New Water Ford* aforesaid, and also the Bye Roads leading from *Gainshaw* and *West Ord* to the said River *Tweed*, and across the same, and also all other Bye Roads leading to and from the said River, and all Ferries and Fords over and through the same, between the Ford called *Upsetlington Ford* and *Berwick Bridge*, shall thenceforth be shut up and stopped, by building up the Passages to the said several Ferries and Fords and the said several Bye Roads with Stone and Lime, making Ditches across the same, or in such other Way and Manner as shall appear to the said Trustees most effectual for answering that Purpose; and it shall not be lawful, after the Time aforesaid, for any Person or Persons to cause or allow any Carriage, Horse, or Cattle, to pass through, across, or over the said River, at any Place situate between *Upsetlington Ford* and *Berwick Bridge* aforesaid, (except along the said Bridge at or near *New Water Ford*); and also that as soon as the said Bridge authorized to be built across the said River at or near *Norham* shall be erected and made passable, the

Ferries and Bye Roads to be discontinued.

Bye



Bye Roads leading from *Upsetlington* and *Norham* to the said River *Tweed*, and across the same, and also the Bye Road leading from the Road at or near *Lennel Hill* to the said River *Tweed*, and across the same, and all other Bye Roads leading to and across the said River, and all Ferries and Fords over the same, between the Bridge called *Coldstream Bridge* and the said Ford called *New Water Ford*, shall thenceforth be shut up and stopped in such Manner as aforesaid; and it shall not thereafter be lawful for any Person or Persons to cause or allow any Carriage, Horse, or Cattle, to pass through, across, or over the said River, at any Place situate between the Bridge called *Coldstream Bridge* and the said Ford called *New Water Ford*, except along the Bridge so to be built at or near *Norham*; and also that when and as soon as both the said Two Bridges herein-before authorized to be built shall be erected and passable, all Bye Roads leading to and across the River *Tweed*, and all Ferries and Fords over and through the same, between the said Bridges called *Coldstream Bridge* and *Berwick Bridge*, shall be stopped, shut up, and discontinued in such Manner as aforesaid; and that it shall not thereafter be lawful for any Person or Persons to cause or allow any Carriage, Horse, or Cattle to pass through, across, or over the said River *Tweed*, at any Place or Places between the said Bridges called *Coldstream Bridge* and *Berwick Bridge*, except along the said Bridges hereby authorized to be built, or either of them; or across the Bridge authorized to be erected by an Act passed in the Fifty-first Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway from or near Spittal, in the County of Durham, to Kelso, in the County of Roxburgh; and for erecting and maintaining a Bridge over the River Tweed, from the Parish of Norham, in the County of Durham, to the Parish of Coldstream, in the County of Berwick*; and if any Person or Persons shall, after the respective Times aforesaid, ride, lead, or drive any Carriage, Horses, Cattle, or Sheep, or cause any Carriage, Horses, Cattle, or Sheep to be ridden, driven, or led through, across, or over the said River, contrary to the Directions herein-before contained, whereby the Payment of any of the said Tolls or any Part thereof shall be avoided, or if any Person or Persons shall pull down, destroy, or fill up any of the said Walls or Ditches when so made or erected as aforesaid, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that the Owners and Occupiers of all Lands, Houses, Fisheries, and Hereditaments or Heritages, situated and being adjoining or near to the said River *Tweed*, and their Servants, Horses, and Carriages, shall be allowed free Passage by such of the said Bye-roads as lead thereto, on the same Side of the River.

Tolls how to be levied in case of Non-payment.

XXV. And be it further enacted, That the said respective Sums of Money by this Act granted shall be demanded and taken as for or in the Name of Toll; and if any Person or Persons subject to the Payment of any of the said Tolls shall after Demand thereof neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to collect the said Tolls, to levy the same by Distress of any Horse or Horses, or other Cattle or Carriage, upon which such Toll is by this Act imposed on such Person or Persons, with the Harness or Accoutrements thereof respectively, (except the Bridle or Halter apart from the Horse or other Beast); and if such Toll and the reasonable Charges of making and keeping such Distress shall not be paid within the Space of Five Days after such Distress shall be made  
and



and taken, the Person or Persons making such Distress may, under the Authority of a Warrant under the Hand of any One Justice of the Peace of the County or Liberty wherein such Distress shall have been made, (which Warrant any such Justice is hereby empowered to grant), sell the Horses, Cattle, or Carriages, with their Harness or Accoutrements so distrained, returning the Overplus (if any) upon Demand to the Owner thereof, after such Toll and all reasonable Charges shall be deducted.

XXVI. And be it enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, at any General Meeting assembled, 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 granted and made payable by this Act.

Power to  
reduce the  
Tolls and  
raise them.

XXVII. Provided always, and be it further enacted, That no Person who shall have paid the Toll by this Act imposed, for passing through any of the Gates or Turnpikes erected or to be erected by virtue of this Act, shall be subject to the Payment of any Toll for returning through such Gate or Turnpike the same Day, before Twelve of the Clock at Night, with the same Cattle, or with the same Horses or other Beasts of Draught or Burden, drawing the same Coach, Waggon, or other Carriage, or bearing the same Person, but shall pass Toll-free, upon producing to the Collector or Collectors at such Turnpike or Turnpikes respectively a Note or Ticket, which the Collector to whom the said Toll shall have been paid is hereby required to give gratis upon Receipt of the Tolls, and such Tickets shall specify the several Gates freed by such Payment: Provided always, that no Person or Persons shall be liable to pay Toll more than Once for any Horse, or other Beast of Draught, drawing any Cart or other Carriage, Once going for and returning loaded with Coal or Lime, and that without Regard to the Hour of the Day or Night, at which such Horse or other Beast with the Cart or other Carriage shall pass and repass.

Tolls to be  
paid but once  
a Day.

XXVIII. And be it enacted, That it shall and may be lawful for the said Trustees to continue and erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, on the Side or Sides of the aforesaid Roads hereby directed to be repaired, and across any Lane or Way leading out of the same, and also a Toll House or Toll Houses at each such Gate or Turnpike, and there to take or receive such Tolls or Duties as are by this Act granted and made payable; but so as that a Ticket received at any such Side Gate shall entitle the Receiver thereof to pass Toll-free through the next Gate or Turnpike upon the Roads hereby directed to be repaired, if within Six Miles, on the same Day, to be computed as aforesaid.

Side Gates.

XXIX. Provided always, and be it enacted, That in case of any Dispute as to the Payment of any of the said Tolls and Duties, it shall be lawful to any One or more Justice or Justices of the Peace for the said Counties of *Durham* or *Berwick*, or Town of *Berwick-upon-Tweed*, upon Complaint made in relation to the same, to grant Warrant for summoning the

Power to  
Justices to  
decide in Dis-  
putes as to  
Toll.

[Local:]

17 N

Party



Party or Parties complained of to appear before such Justice or Justices, and upon hearing the Matter of such Complaint, on Confession of the Party, or the Oath of One or more credible Witness or Witnesses, to decide in relation to the same, and to give Costs to the Party complaining or defending, as to such Justice or Justices, upon hearing the Matter of such Complaint, shall seem fit.

Penalty on  
Persons dis-  
posing of or  
using Tickets.

XXX. And be it further enacted, That if any Person shall offer or dispose of any such Note or Ticket to any Person in order to evade the Payment of the said Tolls, every Person so offering or disposing of such Note or Ticket, and the Person receiving and making use of the same, being thereof convicted upon the Oath of One or more credible Witness or Witnesses before any One or more Justice or Justices of the Peace for the Counties of *Durham* or *Berwick*, or the Town of *Berwick-upon-Tweed* respectively, which Oath the said Justice or Justices is and are hereby empowered to administer, shall respectively forfeit any Sum not exceeding Five Pounds, to be recovered and applied as herein-after directed.

Penalty on  
using Private  
Passage;

XXXI. And be it further enacted, That if any Person or Persons owning or occupying any Lands or Grounds shall permit any Person or Persons, not being his, her, or their Servant or Servants, or in his, her, or their Employ, or of his, her, or their Family, to pass through any Lands or Grounds, Gate, Passage, Inclosure, or Private Way, with any Coach, Waggon, or other Carriage, Horse or other Cattle; or if any Person or Persons shall pass through any Lands or Grounds, Gate, Passage, Inclosure, or Private Way, not being the Owner or Occupier thereof, nor being his, her, or their Servant or Servants, or in his, her or their Employ, or of his, her, or their Family, with any Cattle or Carriage as aforesaid, with the Intent to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall take off or cause to be taken off any Horse or other Cattle from any Coach, Waggon, or other Carriage, before he, she or they shall arrive at any Gate, and shall afterwards put the same to any Coach, Waggon, or other Carriage, with an Intent to avoid paying any of the said Tolls; or shall leave or cause to be left in any House or Place any Cattle or Carriage with such Intent as aforesaid; every Person so offending in any of the said Cases, and being thereof convicted by the Oath of One or more credible Witness or Witnesses before any One or more Justice or Justices of the Peace for the Counties of *Durham* or *Berwick*, or Town of *Berwick-upon-Tweed*, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings, to be recovered and applied in Manner herein-after directed.

or assaulting  
Collectors, or  
forcibly pass-  
ing through  
Turnpike  
without pay-  
ing Toll.

XXXII. And be it further enacted, That if any Person shall assault any Collector of the Tolls by this Act imposed, such Collector being in the Execution of his Office, or by Force pass through any Turnpike without paying the said Tolls, every Person so offending, and being thereof convicted by the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for either of the said Counties, or the said Town respectively, shall for every such Offence forfeit any Sum not exceeding Five Pounds, to be recovered and applied in manner herein-after directed.

XXXIII. And



XXXIII. And be it further enacted, That every Toll Collector, being a Lessee of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees for the Time being, to collect the Tolls payable at any Turnpike Gate or Toll Gate already erected by virtue of the said recited Acts, or hereafter to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, with the Name of the Toll Gate, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately upon his beginning to collect such Tolls, or coming on Duty; each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters upon a Black Ground, or Black Letters upon a White Ground, and shall continue the same so placed during the whole Time he shall collect such Toll, or be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand and take a greater or less Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and shall claim such Exemption, or shall refuse to permit or suffer, or shall in any way hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the Tolls, and naming and specifying the Toll Gate or Toll Gates freed by such Payment, or, upon the legal Toll paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Traveller or Passenger; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge, to be recovered and applied in Manner hereinafter directed.

Regulation  
as to Toll  
Collectors.

XXXIV. And be it further enacted, 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 by virtue of this Act, carrying or conveying Stone, Bricks, Lime, Timber, Iron, Wood, Heath, Chalk, Gravel, or other Materials, to be used on or about the said Roads or Bridges, 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, Out-houses, 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, Curate, or Clergyman going to officiate, or re-

Exemptions  
from Toll.

turning



turning 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, or to from his, her, or their proper parochial Church or Chapel, or any Person or Persons going to or returning from his, her, or their usual Place of Religious Worship, tolerated by Law, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, Districts, or Places; nor for any Horses, Mules, Asses, or Cattle which are kept within such Parishes, Townships, Districts, or Places, by or through which the Roads shall pass, going to or returning from Work, in cultivating the Lands within the same, or any of them; nor for any Horses, Cattle, Sheep, Lambs, Goats, or Hogs, which are 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, Peat, Turf, or Heather for Fuel, or returning empty having been so employed; nor for any Horses or Carriages 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, or in returning after having conveyed, fetched, or guarded the same, except in so far as such Horses or Carriages are specially made liable to the Payment of Tolls or Duties by virtue of an Act made in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland; and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls*; nor shall any Toll be demanded or taken for any Horse or Carriage belonging to His Majesty or any of the Royal Family, or any Horse or Carriage attending His Majesty or any of the Royal Family, or for the Horse or Horses of any Officers or Soldiers on their March or on Duty, or for any Horse or Horses, or other Beasts drawing any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, and convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, the Arms or Baggage of any such Officers or Soldiers, or for any Horse or Horses, or other Cattle drawing any Waggon, Wain, Cart, or other Carriage which shall be employed in conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning after having been so employed; 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, Inspection, or Review, (provided such Person shall be dressed in the Uniform of his Corps, and have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of his claiming such Exemption); nor for any Carriage nor any 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.

XXXV. And be it 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 such Waggon, Wain, Cart, or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart, or other Carriage to put any Number of Horses or Oxen to such Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained to the contrary notwithstanding.

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

XXXVI. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered, by public Auction to let the said Tolls and Duties in whole or in Parcels, from Time to Time during the Continuance of this Act, by Lease or otherwise, for any Term not exceeding Seven Years, for the highest Rate or Rates they can get for the same, to such Person or Persons as shall from Time to Time give such good and sufficient Security for Payment thereof as shall be approved of by the said Trustees, at a General Meeting assembled.

Tolls may be let.

XXXVII. And be it enacted, That the said Trustees at a General Meeting assembled may and they are hereby authorized and empowered to compound and agree, by the Year or otherwise, with any Person or Persons living near any Gate or Gates, Turnpike or Turnpikes, erected or to be erected by virtue of this Act, for any reasonable Sum or Sums of Money, to be paid Quarterly, in Advance from Time to Time, and in lieu of the Payment of the Tolls or Duties by this Act granted; and Copies of all such Compositions or Agreements to be made by the said Trustees shall be entered at length in a Book or Books to be kept for that Purpose, which shall be open to the Perusal of any Person or Persons whatsoever, at all reasonable Times, without Fee or Reward.

Trustees may compound for the Tolls.

XXXVIII. And be it enacted, That in all Cases where any Dispute, Suit, or Litigation shall arise touching or in any Ways relating to the said Tolls and Duties, the Person or Persons appointed to collect the same, or any other Person or Persons acting by or under the Authority of the said Trustees, shall not by reason thereof be disqualified from giving Evidence in any such Dispute, Suit, or Litigation.

Toll Gatherers may give Evidence.



Toll Houses,  
&c. vested in  
Trustees.

XXXIX. And be it further enacted, That the Right, Interest, and Property of and in all the Bridges, Turnpikes and Toll Houses, and other Buildings erected by virtue of the said recited Acts, or to be erected or provided in pursuance of this Act, with the several Conveniences and Appurtenances thereunto respectively belonging, and of the Materials for building the same, and also of all Rails, Posts, and Fences which shall belong to the said Roads, and also of all Tools, Implements, Stones, Gravel, Sand, and other Materials now purchased, gotten, or had, or hereafter to be purchased, gotten, or had, for making, amending, repairing, and improving the said Roads, and all Timber, Stones, Bricks, Tiles, Slates, Planks, Brass, Iron, Lead, Glass and all other Materials belonging or appertaining to any Houses or Premises which shall be purchased or taken down by virtue of this Act, shall be and the same are hereby vested in the said Trustees, and they are hereby empowered to sell, assign, transfer, apply, and dispose of the same as Occasion shall require, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute any Indictment or Indictments against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, destroy, injure, or damage any of the said Bridges, Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereunto belonging, or any of the Materials aforesaid, or who shall do any Act to hinder or obstruct the said Trustees, or any Person or Persons employed by them, in the Execution of this Act; and in any such Action, Indictment, or other Proceeding for the Purposes aforesaid, it shall be sufficient to state generally that any such Bridges, Toll Gates or Turnpikes and Toll Houses, or any of the Conveniences and Appurtenances thereto belonging, or any of the Materials, Tools, Implements, or other Matters or Things, are the Property of the Clerk or Clerks for the Time being to the said Trustees.

Trustees to  
borrow  
Money.

XL. And be it enacted, That it shall be lawful for the said Trustees, or any Three or more of them, at a General Meeting assembled, and they are hereby empowered from Time to Time to borrow, upon the Credit of the Tolls and Duties to be levied and collected by virtue of this Act, any Sum or Sums of Money not exceeding upon the whole at any one Time the Sum of Forty thousand Pounds, including the Money borrowed and owing under the said recited Acts; and by any Writing under their Hands and Seals to mortgage the said Tolls, or any Part thereof, and the Toll Houses for collecting the same, (the Costs and Charges of mortgaging the same to be borne and paid out of such Tolls) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for the Purposes of the said Roads or Bridges respectively, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same, to secure the Re-payment thereof, with such Interest as shall be agreed upon, not exceeding legal Interest; which said Money so to be borrowed, shall be applied and disposed of in such Manner as the said Tolls are by this Act directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and if at any Time any Part of the Sums already borrowed, or to be borrowed as aforesaid, shall be paid off and discharged, it shall and may be lawful to and within the Power of the said Trustees, to borrow other and further Sums of Money, and to burden the said respective Tolls and Duties with the Payment of the same, provided always, that such after Loan or Loans shall not  
upon



upon the whole exceed the said Amount of Forty thousand Pounds; and every such Mortgage may be in the Form following, or in such other Form as the said Trustees making the same shall think proper:

‘ BY Virtue of an Act made in the Year of the Reign  
 ‘ of His Majesty King George the Third, intituled [*here insert the Title*  
 ‘ of *this Act*], We of the Trustees for executing the said Act, Form of  
Mortgage or  
Assignment.  
 ‘ in Consideration of the Sum of to the Trea-  
 ‘ surer to the said Trustees in Hand paid, do grant, bargain, sell, demise,  
 ‘ and assign unto A. B., his Executors, Administrators, and Assigns, such  
 ‘ Proportions of the Tolls to be collected at [*here specify the Turnpikes*],  
 ‘ as the said Sum of doth or shall bear to the whole  
 ‘ Sum due and owing on the Credit thereof, to be had and holden from  
 ‘ this Day of , in the Year of our Lord  
 ‘ , for and during the Continuance of  
 ‘ the said Act, unless the said Sum of with  
 ‘ Interest at the Rate of *per Centum per Annum*, shall be sooner  
 ‘ paid and satisfied.’

And Memorials of all such Mortgages, containing the Date, Names of Parties, and Sums secured, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees; which said Book or Books shall and may at all reasonable Times be perused and inspected by the said Trustees, or any of them, or any of the Mortgagees, or any Person or Persons on their Behalf, without Fee or Reward; and every Person to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his or her Right, Title, Interest, or Benefit to or in the said Mortgage, and the Principal and Interest thereby secured to any other Person or Persons whomsoever, by Indorsement on the Back of such Security, or by any other Writing under his or her Hand, attested by One credible Witness, in the following Words or in Words to the like Effect; (*videlicet*),

‘ I Do transfer this Mortgage or Assignment [*or, a certain Mortgage or*  
 ‘ Assignment *describing it as the Case may be*], with all my Right and Form of  
Transfer.  
 ‘ Title to the Principal Money thereby secured, and all Interest due and  
 ‘ to grow due for the same, unto his Executors,  
 ‘ Administrators, and Assigns. Dated this Day of  
 ‘ A. B.’

And every such Transfer shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, within Three Months after the Date thereof, who shall cause an Entry or Memorial to be made of each Transfer in the before mentioned Book or Books, containing the Date, Names of the Parties, and Sum of Money therein transferred, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid such Sum as the said Trustees shall appoint, not exceeding the Sum of Five Shillings, and such Transfer shall then entitle such Assignee, his, her, or their Executors, Administrators, or Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except such to whom the same shall be last transferred) to make void, release, or discharge the original Security or Securities, or the Monies thereby due, or any Part thereof; and all Persons to whom any



any Mortgage or Transfer shall be made by virtue of this Act, shall be in proportion to the Sum or Sums of Money therein mentioned, Creditors on the Tolls by this Act granted, in equal Degree one with another, and shall have no Preference in respect of the Priority of the Time of advancing any Sum or Sums of Money on such Mortgages or Mortgage, or of the Dates thereof respectively.

Notice to be given of borrowing Money.

Trustees not personally liable.

XLI. Provided always, and it is hereby declared, That no Money shall be borrowed by the said Trustees on the Credit of the said Tolls, or any of them, unless Notice in Writing of their Intention so to do, under the Hand of the Clerk to the said Trustees, be affixed upon all the Turnpike Gates erected by virtue of this Act, at least Fourteen Days before the borrowing of such Money: Provided always, that no Trustee shall be held or adjudged to have rendered himself personally liable for the Re-payment of any Money borrowed or to be borrowed in virtue of this Act, or Interest thereof, by reason of having signed any Assignment of the Tolls for Money borrowed as aforesaid, or for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Trustee under this Act.

An Action of Ejectment may be supported by one Mortgagee.

XLII. And be it further enacted, That if any Mortgagee or Mortgagees of the said Tolls, Toll Gates, Bars, Chains, Toll Houses, and Buildings, shall seek to obtain the Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings in order to pay himself, herself, or themselves the principal Money and Interest, or any Part thereof due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without uniting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in Proportion to the several Sums which may be due to them as such Mortgagees.

Application of the Money to be raised.

XLIII. And be it further enacted, That out of the first Money which shall be collected at the several Gates or Turnpikes already erected or hereafter to be erected as aforesaid, or out of such Money as shall be borrowed upon the Credit of the Tolls herein-before by this Act imposed, all the Expences and Charges incident to and attending the obtaining and passing this Act, and also all the Expences of setting up, erecting, and providing such Gates or Turnpikes and Toll Houses on the said Roads, 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 repairing the said several Roads; in making, erecting and building the said Bridges over the *Tweed*; in widening and improving the said Entrance into the Town of *Berwick*; in making Payment and Satisfaction for all Houses, Lands, Tenements, Hereditaments and Heritages bought for the Purposes of this Act, and Satisfaction for all Damages occasioned by carrying this Act into Execution; in paying the Interest and Principal of the Money due and owing as aforesaid on the Credit of the said former Acts, and the Interest and Principal of the Money to be borrowed on the Credit of the said



said Tolls; and in the necessary Charges and Expences attending the Execution of this Act.

XLIV. And be it further enacted, That in case of any Misapplication of the Money collected, received, or borrowed by virtue of this Act, all and every Person or Persons who shall so misapply, or by whose Authority the same shall be misapplied, shall forfeit and pay double the Sum or Sums so misapplied, to be recovered against him or them, at the Suit of any Two Proprietors of Land of the annual Value of One hundred Pounds Sterling, within either of the Counties of *Durham* or *Berwick*, or Town of *Berwick-upon-Tweed*; who are hereby authorized to sue for and recover the same in any Action of Debt or on the Case, Bill, Plaint, or Suit, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlanche shall be allowed, or in the Court of Session in *Scotland*, by way of summary Complaint or Pétition, with full Costs of Suit, One Half of which Forfeiture shall belong to the Persons who sue for the same, and the other Half shall be paid to the said Trustees, to be applied by them for the Purposes of this Act; but if any such Prosecution shall after Trial be found to have been vexatious and groundless, the Prosecutors shall be liable to pay double Costs.

Preventing  
Misapplica-  
tion of Mo-  
ney.

XLV. And whereas the Street leading from the Bridge over the River *Tweed* into the Town of *Berwick*, as also Part of the said Bridge, are narrow, steep, and inconvenient; be it enacted, That for the Purpose of widening and improving the same it shall be lawful to and for the said Trustees to purchase, for the Use of the Public, any Messuages, Tenements, and Hereditaments, situate between the Bridge Gate and the Lane leading from *Bridge Street* to the *Bank Hill* on the North Side, as also the Houses and Premises on the South Side, belonging to Mr. *Robert Marshall*, and extending from the House occupied by the Collector of the Customs to that occupied by Mrs. *Tanner*, as the said Trustees shall think proper, to be wholly or partially removed or altered, and to pay for the same such Sum or Sums of Money as may be agreed on by the said Trustees, and the Owner or Owners thereof out of the said Rates; and also to pull down and remove the Whole or such Part or Parts of such Messuages, Tenements, and Hereditaments, as they shall deem expedient, and to cause the Scites thereof, or so much thereof as to them shall seem fit, to be added to or laid into the said Street for the widening, levelling, and otherwise improving the same; and also to cause the Gate at the End of the said Bridge to be widened or altered, and the Ground so added to or laid into the said Street by the said Trustees, shall for ever after be deemed and taken to be a Public Common Highway; and the said Trustees shall have full Power and Authority also to fill up such Part of the said Street and of the said Bridge next the Street as they shall think necessary, in order to reduce the Rise in the Level thereof, making Compensation for Damage done thereby; and the said Trustees shall also cause the said Part of the said Street and Bridge, as far as the Level thereof shall be altered, to be paved; and the Pavement thereof shall at all Times thereafter be repaired by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, subject or liable to the Repair of the said Street, with the same Materials with which the same shall be so paved by the said Trustees; and the Footways of the

Power to im-  
prove En-  
trance into  
*Berwick*.

Ground pur-  
chased, to be  
laid into the  
Street.

Power to  
level the  
Street.

[Local.]

17P

said



said Street shall be flagged and paved by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, subject or liable to flag or pave the Footways of the said Town, in such Manner as the Footways of the other Streets of the said Town are flagged and paved.

Quay Gate  
to be shut up,  
and new Way  
to the Quay  
to be made.

XLVI. And be it further enacted, That for the Purpose of improving the said Street the said Trustees shall have full Power and Authority to cause the present Passage and Gateway leading from the said Street of *Bridge Street* to the Quay to be contracted so as to be sufficient for and used by Foot Passengers only, and not less than Five Feet in Width, and in Place of the present Passage for Horses and Carriages, to make another Road or Passage for Horses and Carriages, from that Part of the Street situate between the Bridge Gate and the Garrison Wall adjoining the Quay, or in some other convenient Place; and for that Purpose to purchase the Fish House on the Quay now occupied or used by the old Shipping Company of *Berwick*, and the Block-maker's Shop, occupied by *Robert Lyall* and Company, and to cause the same to be wholly or partially removed, and to pay for the same in Manner aforesaid, and to use the Scites thereof or Part thereof for the said Passage, and the Ground so used shall for ever after be deemed to be a Public Common Highway: Provided always, that the Consent and Approbation of His Majesty's Honorable Board of Ordnance, or Barrack Board, as the Case may require, be previously obtained for the making of the said new Passage and Road, and for widening or altering the said Bridge Gate, and that the same be done under the Direction of the Officers of the said Boards respectively; and in future the said Road or Passage shall be repaired and maintained by the said Trustees.

Power to re-  
pair Twisel  
Bridge, Haggerston  
and  
Gainflaw  
Bridge.

XLVII. And be it enacted, That the said Trustees shall and may apply so much of the Money which shall be collected at the said Toll Gates as they shall from Time to Time judge necessary for keeping in Repair the Bridges called *Twisel Bridge* and *Haggerston* North and South Bridges, and also the Wooden Bridge over the River *Whitadder* at *Gainflaw* within the Liberties of *Berwick* aforesaid, but they shall not be bound to rebuild or renew the said Bridge at *Gainflaw*.

Subscribers  
to be obliged  
to pay Sub-  
scriptions.

XLVIII. And be it enacted, That if any Person or Persons who hath or have already subscribed towards the Expence of obtaining and passing this Act, or for any of the Purposes herein mentioned, or any other Person or Persons who shall hereafter become such Subscriber or Subscribers, their respective Executors or Administrators, shall after Twenty Days previous Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees for that Purpose, to him, her, or them given, or left at his, her, or their Dwelling House or usual Place or Places of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them subscribed, or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees to bring or cause to be brought in the Name of their said Clerk, any Action of Debt or on the Case, Bill, Complaint, or Suit, against such Person or Persons so neglecting or refusing as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed, or in the Court of

Session



Session in *Scotland*, by way of Summary Complaint or Petition; and after Proof of such Person or Persons having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, such Person or Persons, his, her, or their Heirs, Executors, or Administrators, shall be compelled to pay the Sum or Sums of Money so by him, her, or them subscribed, or agreed to be subscribed as aforesaid, together with full Costs of Suit.

XLIX. And be it further enacted, That the said Trustees may and they are hereby empowered from Time to Time to contract and agree with any Person or Persons for the making, repairing, altering, turning, or amending the said Roads, Bridges, and Works therewith connected, or any Part or Parts thereof, in such Manner as the said Trustees shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to an Order made at any Meeting by the said Trustees, shall be binding on all Parties who shall sign the same, his, her, or their Heirs, Executors, and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Trustees may contract for repairing the Roads, &c.

L. And be it enacted, That the said Trustees are hereby authorized and empowered, at any Time or Times during the Continuance of this Act (in case they shall think it necessary), to turn, alter, or widen the Course of any Part or Parts of the said Roads, or to turn or lead any Part or Parts of the said Roads another Way or any other Ways, and for that Purpose shall have full Power and Authority from Time to Time to contract and agree with the several Owners and Occupiers of and Persons interested in any Lands, Hereditaments, or Heritages lying by, contiguous, or near to any Part or Parts of any of the said Roads for the Purchase or Exchange of any such Lands, Hereditaments, or Heritages, or for the Loss or Damage any such Owners, Occupiers, or Persons interested shall or may sustain by such turning, altering, or widening of any Part of any of the said Roads, (provided always, that such Part or Parts of the said Roads as shall be so widened, turned, or altered be not thereby made of greater Breadth than Sixty Feet, including the Ditches), and out of the Tolls and Duties by this Act granted, and out of any Monies already borrowed or to be borrowed on the Credit of this Act, to pay for such Lands, Hereditaments, and Heritages, and for such Loss and Damage, such Sum or Sums of Money as shall be agreed upon between such Owners, Occupiers, and Persons interested as aforesaid and the said Trustees, and also the Costs and Charges attending such Agreement: Provided always, that it shall not be lawful for the said Trustees, in turning, altering, or widening the Course of any of the said Roads, to deviate more than One hundred Yards from the present Line or Course thereof, nor to take or pull down any Dwelling-house, or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Park, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, other than and except the Houses, Buildings, and Grounds mentioned in the Schedule hereunto annexed, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands, Hereditaments, and Heritages which may be affected by any such Diversion, Alteration, or Widening.

Power to widen or alter Roads.

Not to deviate more than 100 Yards, without Consent of Owner and Occupiers.

LI. And



How incapacitated Persons may treat.

LI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Parsons, Vicars, and all Feoffees in Trust, Committees of Lunatics and Idiots, Executors, Administrators, Guardians, and other Trustees whatsoever, for and on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Houses, Buildings, Lands, Grounds, Hereditaments, or Heritages, which may be necessary for the Purposes of this Act, to treat, contract, and agree with the said Trustees, or any Three or more of them, for the Purchase of such Lands, Grounds, Hereditaments, or Heritages, or any Part or Parts thereof, and for their Interest therein, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be or require; and all Contracts and Agreements, Sales and Conveyances, which shall be so made, shall 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 thereof in anywise notwithstanding; and all Feoffees in Trust, Committees of Lunatics and Idiots, Executors, Administrators, Guardians and Trustees, Corporations Aggregate and Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Value of Lands, &c. in the County of Durham, and Town and Liberties of Berwick, to be ascertained by a Jury at the Quarter Sessions, if the Parties do not agree.

LII. And be it further enacted, That if any such Owner or Occupier, Proprietor; Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Parsons, Vicars, Trustees, Guardians, Committees of Lunatics and Idiots, Executors, Administrators, Mortgagees, or other Person or Persons so seised, possessed of, or interested in any Houses, Lands, Tenements, Ferries, or Hereditaments, in the County of *Durham*, or in the Town or Liberties of the Borough of *Berwick-upon-Tweed*, shall refuse or neglect to treat, or shall not agree for the Sale of such Houses, Buildings, Lands, Tenements, Ferries, or Hereditaments, or for their Interest therein, or by reason of Absence or otherwise shall be prevented from treating, and the said Trustees shall, Ten Days at the least before any General or Quarter Sessions of the Peace to be holden for the said County of *Durham*, or Borough of *Berwick* respectively, cause Notice in Writing to be given to such Owners or Persons interested, Guardians, Committees or Trustees, Executors or Administrators respectively, or to the principal Office of such Body Politic, Corporate, or Collegiate, or to be left at the House of the Tenant in Possession, Occupier or Renter of any such Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments so intended to be purchased, purporting that the Value thereof will be adjusted and settled by a Jury at the said Session, then and in every such Case the Justices at the Sessions, upon Proof of such Notice having been given or left as aforesaid, are thereupon authorized and required to charge the Jury which shall attend at such Session, or some other Jury of Twelve honest and indifferent Men, to be then and there returned and impannelled by the Sheriff of the said County, or One of the Bailiffs of the said Borough, (as the Case may require), without Fee or Reward, and cause them to be sworn well and truly on their Oaths to assess the Value of the Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments mentioned or described in the said Notice, and the Damages and Recompence to be given for the same, or such Part or Parts thereof as shall be intended to be given or used for the Purposes aforesaid, to the respective Owners, Occupiers, and Persons interested, according to their respective Interests therein; and the said



said Trustees, and all Persons interested, shall have their Challenges against any of the said Jurymen when they come to be sworn; and the said Jury being so sworn and charged as aforesaid, and after proper Evidence to them upon Oath given (which Oath, and also the Oath to the said Jury, the said Justices are hereby authorized to administer), concerning the Nature, Quantity, and Value of such Houses, Buildings, Lands, Ferries, Tenements, or Hereditaments as aforesaid, and also after having viewed the Place in question (if judged necessary by the said Justices in Session assembled, on the Application of the said Trustees, or any of the Parties interested), shall, by their Verdicts, assess, declare, and ascertain the Price or Recompence, and Damages to be given or paid to such respective Owners, Occupiers, and Persons interested, according to their respective Interests therein; and such Verdict of the said Jury shall be binding, final, and conclusive to the said Trustees, and to all Persons and Parties interested in the said Houses, Buildings, Lands, Tenements, Ferries, or other Hereditaments; and the said Justices shall and may award Costs to either Party as in their Discretion shall seem meet; and every such Verdict of the Jury, and all Proceedings of the Justices as aforesaid, shall be fairly written or ingrossed, and kept and entered amongst and be deemed Part of the Records of the General or Quarter Sessions of the Peace of the said County or Borough respectively.

LIII. And be it further enacted, That if any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustees or Guardians, or other Person or Persons so seized, possessed of, or interested in any Houses, Buildings, Lands, Tenements, Ferries, or other Heritages in the County of *Berwick*, which may be necessary to be purchased for the Purposes aforesaid, shall after Twenty-one Days Notice given to them, or left with the Tenant or Tenants in Possession of such Houses, Buildings, Lands, Tenements, Ferries, or other Heritages, neglect or refuse to treat, or shall not agree for the Purchase of any such Houses, Buildings, Lands, Tenements, Ferries, or other Heritages, or any Part or Parts thereof, or for their Interest therein, or for any Loss or Damage as aforesaid, or by reason of Absence shall be prevented from treating, then and in either of the said Cases it shall be lawful for the said Trustees to ascertain what Sum or Sums of Money ought to be paid for such Houses, Buildings, Lands, Tenements, Ferries, or other Heritages, or for such Loss or Damages as aforesaid respectively; and in case any Person or Persons interested as aforesaid shall not be satisfied with such Determination of the said Trustees, it shall and may be lawful for all and every such Person or Persons as aforesaid, and they are hereby empowered, to appeal from such Determination to the Sheriff Depute of the County of *Berwick*, or his Substitute, who are and is hereby authorized and required to summon Twenty-five good and lawful Men, disinterested in the Issue, being Proprietors of Lands or Houses, or reputable and substantial Merchants, Traders, or Farmers in the County of *Berwick*, and out of such Persons so summoned and returned the Sheriff Clerk of the County of *Berwick*, or his Deputy or Substitute, shall, in the Presence of the said Sheriff Depute, or his Substitute, and of the Parties interested, if they choose to attend, (Ten Days previous Notice in Writing being first given of the Time and Place of the Meeting to any Person or Persons interested, or left at his, her, or their usual Place of Abode, or with some Tenant or Occupier of the Houses, Buildings, Lands, Tenements, Ferries, or other

Value of  
Lands in the  
County of  
*Berwick*,  
how to be  
ascertained.



Heritages, to be pulled down, converted, or affected by the Execution of this Act, in case any such Party cannot otherwise be found out to be served with such Notice), draw the Names of Fifteen Persons, and the Fifteen Persons whose Names are to be drawn shall form a Jury for the Purpose of enquiring into, and by their Verdict ascertaining the Price or Recompence to be paid for any Lands or Heritages to be taken for the Purposes aforesaid, or the Damage done to any Lands or Heritages or Property, in the Execution of this Act; and in case of the Death of any of the Fifteen Persons so drawn, or their Inability to attend, the said Sheriff Depute or his Substitute shall direct the Sheriff Clerk or his Deputy or Substitute to draw from among the remaining Names of the Persons summoned by the said Sheriff Depute or his Substitute in the Manner before mentioned, such additional Number of Names as may be necessary to make up a complete Jury of Fifteen able to attend, and the said Fifteen Persons are hereby required to come and appear before the said Sheriff Depute or his Substitute, at such Time and Place as in his Warrant or Warrants, Precept or Precepts, shall be directed and appointed; and the said Sheriff Depute or his Substitute is hereby authorized, by Warrant or Warrants under his Hand, from Time to Time, as Occasion shall require, to call before him such Person or Persons as shall be thought proper and necessary to be examined as Witnesses before him, touching or concerning the Premises, either by the Claimant or Claimants for establishing his, her, or their Property, and ascertaining the Damages of his, her, or their Estates, or by the Trustees before named, concerning the same, and towards a due Consideration of all Circumstances; and the Sheriff Depute or his Substitute shall issue his Precept or Precepts, requiring the Attendance of any Person or Persons whose Testimony any Party shall deem material, and for Production of such Books, Papers, Deeds, and Writings as the said Sheriff Depute or his Substitute shall judge necessary for his Information, or the Information of the Jury relative to the Matter before him or them, and shall and may administer Oaths for the better Discovery of the Truth to any Person or Persons therein concerned, or to any other Person or Persons whatsoever, and shall and may authorize the said Jury to view the Place or Places or Matters in question, as the said Sheriff Depute or his Substitute shall think fit; and the said Jury, upon their Oaths, to be administered by the said Sheriff Depute or his Substitute, shall enquire of, and by their Verdict or Verdicts assess such Damage or Recompence as they upon a due, legal, and equitable Consideration of all the Facts and Circumstances before them shall judge fit to award to the Person or Persons entitled by reason of any legal or equitable Claim for the same, for any Damages or Injury to arise to their Property by erecting or making the said Bridges and Roads of Communication, and to the Owners or Occupiers of or Persons interested in such Houses, Buildings, Lands, Tenements, Ferries, or Heritages, or any Part thereof, as by the said Trustees shall be judged necessary to be pulled down or converted to the Purposes aforesaid; and the said Sheriff Depute or his Substitute shall and may give Judgment for such Sum or Sums of Money so to be assessed by such Jury or Juries respectively, which said Verdict or Verdicts, and the Judgment, Decree, or Determination thereupon declared and pronounced by the said Sheriff Depute or his Substitute, and the Value and Recompence so to be assessed and declared, shall be binding and conclusive to all Intents and Purposes whatsoever, against all and every such



Person or Persons, Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, and Trustees or Guardians, or other Person or Persons having or claiming any Right, or Title, or Interest into or out of the said Premises affected, his, her, or their Heirs, Executors, and Successors; and the said Verdicts, Judgments, Orders, Sentences, Decrees, and Proceedings of the said Sheriff Depute or his Substitute, so to be made, given, and pronounced as aforesaid, shall be fairly written on Paper or Parchment, and signed by the said Sheriff Depute or his Substitute, and shall be recorded in the Sheriff's Court Books of the said County of *Berwick*, and the same or Extracts thereof shall be deemed and taken as good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever.

LIV. And be it further enacted, That in case any Jury shall give in a Verdict for more Monies as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands, Hereditaments, or Heritages, or for any such Loss or Damage to be by them sustained, than what shall have been offered by the said Trustees before the summoning or returning the Jury, as a Recompence for any such Right, Interest or Property, or Loss or Damage as aforesaid, that then and in such Case the Costs and Expences attending the deciding the same by such Jury and Witnesses shall be borne and paid by the said Trustees, out of the Money to be raised by virtue of this Act; but if such Jury shall give a Verdict for no more or for less Monies than shall have been offered by the said Trustees, before the summoning and returning the said Jury, as a Recompence for any such Right and Interest or Property in, or Loss or Damage as aforesaid, that then the Costs and Expences attending the deciding the same by such Jury and Witnesses shall be borne and paid by the Person or Persons to whom such Lands, Hereditaments, or Heritages shall belong; provided that in all Cases where by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Costs and Expences shall be paid by the said Trustees.

Expences of  
the Jury and  
Witnesses  
how to be  
borne.

L.V. And be it further enacted, That on Payment of such Sum or Sums of Money so to be assessed as aforesaid, the Person or Persons to or from whom the same shall be so assessed, shall, if the said Trustees shall deem it requisite, make and execute, or procure to be made and executed, good, valid, and legal Conveyances and Assurances in the Law, of their several Estates so to be purchased as aforesaid, to the said Trustees, or to such Person or Persons as they shall nominate and appoint, and their Heirs, in Trust for the said Trustees, for the Purposes aforesaid, and shall procure all necessary Parties to execute such Conveyances and Assurances, and shall do all Acts, Matters, and Things requisite and necessary to make and perfect the same, and such Conveyances and Assurances shall contain all such reasonable and usual Covenants as shall on the Part of the said Trustees be required.

On Payment  
of Purchase  
Money, Pre-  
mises to be  
conveyed.

LVI. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively entitled thereto or to their Agents; and that upon Pay-  
ment

Recompence  
how to be  
charged and  
tendered.



ment thereof or Tender thereof to such Persons or their Agents, and in case of Refusal to accept the same, then, upon Payment of the same into the several Banks in manner herein-after mentioned, it shall be lawful for the said Trustees, their Surveyors, Workmen or Agents, to take into and add to the said Road or Roads, or to make any new and additional Road or Roads over and through such Grounds, Lands, Hereditaments, and Heritages, and to do all and every such Act, Matter, and Thing, with relation to such Grounds, Lands, Hereditaments, or Heritages, as the said Trustees shall think fit; and after the Purchase of the said Lands, Grounds, Hereditaments, or Heritages, or Adjudication of the Value thereof made, and Tender of Payment and Notice given as aforesaid, such Lands, Grounds, Hereditaments, and Heritages, shall be laid into or added to and made Part of the said Road or Roads, in such manner as the said Trustees shall order and direct, and shall be by them or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing and setting out the said Lands, Grounds, Hereditaments or Heritages, shall to all Intents whatsoever become and be deemed and taken to be a public and common Highway, and be from thenceforth deemed to be Part of the said Road or Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods and in all respects as the respective old Roads lying near or adjoining to any such new or additional Road or Roads are and ought to be kept in Repair.

Upon Payment, Tender, &c. the Works not to be impeded.

LVII. And, in order that the said Trustees may not be impeded in the Execution of the Powers by this Act granted, by means of any such Proceedings before any such Jury as aforesaid; be it further enacted, That either upon Payment or legal Tender of such Sum or Sums of Money by the said Trustees, or upon Payment of the said Sum or Sums of Money into the Bank of *England*, if the Lands, Hereditaments, or Heritages shall be situated in the said County of *Durham*, the Town or Liberties of *Berwick-upon-Tweed*; or into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, if such Lands, Hereditaments, or Heritages shall be situated in the said County of *Berwick*, in Manner by this Act directed, as the Case may be; and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Trustees and their Surveyors and Workmen immediately to enter upon the Lands, Tenements, and Hereditaments or Heritages respectively, and such Lands, Tenements, and other Hereditaments or Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in the said Trustees, to and for the Purposes of this Act; and such Payment or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but shall also extend to and be deemed and construed to bar the Dower of the Wife of every such Person or Terce of his Widow, and all Estates Tail and other Estates of every other Person whomsoever therein: Provided nevertheless, that before such Payment as aforesaid shall have been made, it shall not be lawful for the said Trustees, or any Persons acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment, or Security for the Purposes



Purposes of this Act, without the Consent in Writing of such Person or Persons respectively.

LVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, Hereditaments, or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, married Woman, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds with all convenient Speed, be paid, if such Lands, Tenements or Hereditaments, are situated in the said County of *Durham* or Liberties of *Berwick-upon-Tweed*, 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 said Trustees; and if such Lands, Hereditaments, or Heritages, are situated in the said County of *Berwick*, the same shall be paid under the Direction and by the Authority of the Court of Session into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, and without Fee or Reward; to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court of Chancery or Court of Session, as the Case may be, 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, Hereditaments, or Heritages, in the Purchase of the Land Tax, or towards 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, Hereditaments, or Heritages, or affecting other Lands, Hereditaments, or Heritages, standing settled therewith, 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 Courts respectively, in the Purchase of other Lands, Hereditaments, or Heritages, 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 Lands, Hereditaments, or Heritages which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money, in regard to Lands, Tenements, Hereditaments, or Heritages in *England*, shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *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 same Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Hereditaments, or Heritages, hereby directed to be purchased, in case such Purchase or Settlement were actually made; and in regard to Lands, Tenements, or Heritages in *Scotland*, the Interest or annual Produce of such Money shall from Time to Time be paid by Order of the said Court of Session, to the Person or Persons who would for the Time being

Application  
of Compen-  
sation where  
exceeding  
200l.

[Local.]

17 R

have



have been entitled to the Rents and Profits of the Lands, Tenements, and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

Application  
where less  
than 200l.

LIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, Hereditaments, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall amount to or 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 Lands, Tenements, Hereditaments, or Heritages 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 said Banks respectively, and shall be ordered 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 the said Trustees (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 said Court of Chancery or Court of Session respectively.

Application  
where less  
than 20l.

LX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last 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 Lands, Tenements, Hereditaments or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not  
making out  
Titles;  
or if Persons  
cannot be  
found, the  
Purchase  
Money to be  
paid into the  
Bank, subject  
to the Order  
of the Court  
of Chancery,  
or Court of  
Session, on  
Motion or  
Petition.

LXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, Hereditaments, or Heritages to be purchased by virtue of this Act, for the Purposes aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, Hereditaments, or Heritages be not known or discovered; then and in every such Case it shall and may be lawful to and for the said Trustees, or any Three or more of them, to order the Sum and Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, or Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland* respectively, as the Case may be, in manner as respectively before directed, to the Credit of the Parties interested in the said Lands, Tenements, Hereditaments, or Heritages (describing them if they are known, and if they are not known,



then generally to the Credit of the Parties interested in the said Lands, Tenements, Hereditaments, or Heritages, without any Description of them) subject to the Order, Controul, and Disposition of the said Court of Chancery, or Court of Session respectively, which said Courts, 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 are hereby empowered in a summary Way of proceeding or otherwise, as to the same Courts shall seem meet, to order the same to be laid out and invested in the Public Funds, if in *England*, or to be deposited in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, if in *Scotland*, and to order Distribution thereof, or Payment of the Interest, Dividends, or Produce thereof, according to the respective Estate or Estates, Title or Interest of such Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Courts shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, or Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland* respectively, 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 such Banks as aforesaid.

LXII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any of such Banks as aforesaid, in pursuance of this Act, for the Purchase of any Lands, Hereditaments, or Heritages, or of any Estate, Right, or Interest in any Lands, Hereditaments, or Heritages 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, or Interest of Money, the Person or Persons who shall have been in Possession of the Lands, Hereditaments, or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Hereditaments, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Courts of Chancery or Session respectively, and the Dividends or Interest of the Bank Annuities to be purchased with such Money and also the Capital of such Bank Annuities, or the Dividends and Produce of such Money, and the principal Sums, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Courts that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands, Hereditaments, or Heritages, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to the Money to be paid, the Person in Possession of the Land, &c. at the Time of such Purchase shall be deemed entitled thereto, according to such Possession.

LXIII. Provided always, 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, Hereditaments, or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands, Hereditaments, or Heritages, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Courts of Chancery and Session respectively, to order the Expences of all Purchases from Time to

The Court may order reasonable Expences of Purchase to be paid.

Time



Time to be made in pursuance of this Act, or so much of such Expences as the said Courts 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 Sum or Sums of Money for such Purposes as the said Courts shall direct.

Occupiers to quit on Notice given.

LXIV. And be it further enacted, That in case the said Trustees or any Person authorized by them shall, after the said Houses, Buildings, Lands, Tenements, and Premises, shall be purchased by them in pursuance of this Act, give Six Calendar Months Notice in Writing previous to either of the Terms of *Whitsuntide* or *Martinmas* to the Tenants or Occupiers respectively of any such Premises so purchased, to quit or deliver up such Premises at such of the said Terms as shall be mentioned in such Notice, then every such Tenant or Occupier shall at the said Term peaceably and quietly deliver up the Possession of the Premises so by him or her respectively occupied, whether upon Lease or otherwise, to the Persons who shall be appointed by the said Trustees to take Possession thereof; and if any Person or Persons so in Possession shall refuse to give up such Possession at such Time as aforesaid, it shall be lawful for the said Trustees to issue a Precept or Precepts to the Sheriff of the said County of *Durham*, or Sheriff Depute or Substitute of the County of *Berwick*, or the Coroner of the said Borough of *Berwick*, as the Case may be, to cause Possession thereof to be delivered to such Person or Persons as shall be in such Precept or Precepts nominated to receive the same, and to direct the said Sheriff or Coroner to levy such Costs as shall accrue by means of the issuing and Execution of every such Precept, by Distress and Sale of the Goods and Chattels of any Person or Persons who shall have refused to give up such Possession as aforesaid, and shall refuse or neglect to pay the same Costs, and the said Sheriff and Coroner is and are hereby required to deliver Possession and to levy such Costs in Manner aforesaid.

Trustees empowered to sell Ground, &c. not wanted for the Purposes of this Act.

LXV. And whereas by reason of the altering, turning, or widening the said Roads, or by reason of the Purchases which the said Trustees have already made by virtue of the said recited Acts, or which they are hereby empowered to make by virtue of this Act, the said Trustees are now or may hereafter happen to be seised of the Ground or Soil which formed the Roads already or hereafter to be diverted, altered, or turned, or of some Messuage or Tenement, or Part of a Messuage or Tenement, or Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Ground or Soil, Messuage or Tenement, or Part of a Messuage or Tenement, or Piece or Pieces of Ground, together or in Parcels, either by Public Sale or Private Contract, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract for and purchase the same, and by Indentures of Lease and Release or otherwise to grant and convey the same to such Purchaser or Purchasers, and his, her, or their Heirs, Appointees, and Assigns for ever.

Persons whose Lands adjoin to have the Preference.

LXVI. Provided always, and be it further enacted, That the said Trustees, before they shall so sell or dispose of the Ground or Soil which may have formed any Road or Street which may be altered or widened by virtue of this



this Act, or such Messuages or Tenements, or Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, or of any Toll House or Ground occupied therewith, shall first offer to sell or resell the same (as the Case may happen to be) to the Person or Persons who shall be the Owner or Owners of the Lands, Tenements, Hereditaments, and Heritages, lying on both Sides of such diverted Road or Toll House, or the Person or Persons from whom the said Trustees shall have purchased such Messuages or Tenements, Piece or Pieces of Ground, or the Scite of the Toll House; and in case the Owner or Owners of the said Lands, Tenements, Hereditaments, and Heritages on both Sides of the said diverted Road, or Toll House, or the Person or Persons from whom such Messuages or Tenements, Piece or Pieces of Ground, or the Scites of such Toll Houses, have been so purchased, shall refuse to purchase or repurchase the same (as the Case may happen to be), an Affidavit to be made and sworn before One of His Majesty's Justices of the Peace for the County or Place in which such diverted Road, or Messuages or Tenements, or Piece or Pieces of Ground or Toll House shall lie (who is hereby required to take such Affidavit) by some Person or Persons no way interested in the Premises, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom it was made, (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the Ground or Soil of such diverted Road, or of repurchasing such Messuages or Tenements or such Piece or Pieces of Ground, or such Toll House, so directed to be sold by virtue of this Act, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury, in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Trustees, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Trustees, of such diverted Road, Messuages or Tenements, or Piece or Pieces of Ground or Toll House as afore-said, shall be applied to and for the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

LXVII. Provided always, That it shall be lawful for the said Trustees to plan, design, and lay out in what Manner the Front of any new House or Houses, or Edifices, to be erected upon any Piece or Pieces of Ground to be sold by them by virtue of this Act, within the Town of *Berwick-upon-Tweed*, shall be built or erected.

Trustees may direct how new Houses shall be fronted.

LXVIII. 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

Possession of Toll Houses when let to Farm may be taken from Lessees in certain Cases.



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 it shall be lawful for any Justice of the Peace for the County or Place where the Premises shall be situated, by Warrant under his Hand and Seal, to order the Constable or other Peace Officer of the Parish or Place where the Premises shall be situated, or any other Person or Persons to whom such Warrant shall be specially directed, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar, or Chain, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, from the Possession thereof and from the Collection of such Tolls, and to deliver Possession thereof to the said Trustees or their Clerk, or any other Person or Persons authorized by Writing under their Hands, 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 such 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 any 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.

Regulations  
as to Per-  
formance of  
Statute Duty.

LXIX. And be it further enacted, 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 for the said County of *Durham* or Borough of *Berwick-upon-Tweed* respectively, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Three 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 List of Names shall be



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, 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 Compensation for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of the respective Parishes or Places, to be by him or them paid over 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 this 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 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, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in manner aforesaid, every such Surveyor shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

LXX. Provided always, and be it enacted, That it shall be lawful for the said Trustees to compound and agree, by the Year or otherwise, with the Possessors, Occupiers, Grantees, Feoffees, and Committees of Lands, Tenements, or Hereditaments; which are or shall be liable to or charged with the Repair of any Part of the said Roads, or of any Bridge, Arch, or Sewer therein, or with any Person or Persons, for the Performance of his, her, or their Statute Work thereon; and also that it shall be lawful for the

Power to compound for Statute Labour.



the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Places, by and with the Consent of a Majority of the Inhabitants of such Parishes, Townships, or Places, first had at any Vestry or other Public Meeting of such Inhabitants, to compound and agree, by the Year or otherwise, with the said Trustees, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part or Parts of the said Roads; all which Composition Monies shall be from Time to Time paid in Advance, and shall be applied in the Repair of the said Roads; and all such Surveyors shall be reimbursed the Money so by them expended and paid, in such Manner as the Surveyors of the Highways are by Law to be reimbursed the Monies expended in buying Materials for the Repairs of the Highways.

Surveyors to dig Materials for repairing the Roads out of any Common Waste,

or out of Private Grounds.

Penalty on taking away Materials got by the Surveyors.

LXXI. And be it further enacted, That it shall be lawful for the said Trustees, and for the Surveyor or Surveyors already appointed or to be appointed by virtue of this Act by the said Trustees, and such Person or Persons as he or they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or any other Materials for making and repairing the said Roads, or for making or repairing the said Bridges, out of any Quarry, Common River or Brook, or out of or from the Waste, Ballast Heap, or Common of or in any Parish, Township or Hamlet in the said County of *Durham*, or County of *Berwick*, and Liberties of *Berwick-upon-Tweed* respectively, in which any Part of the said Roads or Bridges shall lie or be situated, and for want of a sufficient Quantity of such Materials there, to dig, gather, take, and carry away the same out of any Brook, Waste, Ballast Heap, or Common of any adjoining Parish, Township, or Hamlet in any other County or Counties, without paying any thing for the same, such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits where any such Materials as aforesaid shall be dug, gathered, or taken, and from whence the same shall be carried away; and where there is not a sufficient Quantity of such Materials in any such Common Rivers, Brooks, Commons, or Wastes as aforesaid, it shall be lawful for such Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by an Order in Writing made by any Two Justices of the Peace for the County where such Grounds shall be or be situated, to search for, dig, gather, and take away such Materials out of the Grounds of any Person or Persons in any Parish, Township, or Hamlet in which any Part of the said Roads shall lie or be situated (not being a Garden, Orchard, Yard, Park, Paddock or planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees), where such Materials may be found, paying such Rates for the same, and for the Damage done to the Owners or Occupiers of the Grounds from whence the same shall be dug, gathered, and taken, or over which the same shall be carried, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and the said Trustees concerning the Rates of such Materials, or touching such Damages as aforesaid, any Two Justices of the Peace of the County or Place where the Grounds shall lie, shall and may adjudge, assess, and finally determine the same; and that if any Person or Persons whatsoever shall take or carry away any Materials which shall have been dug or gathered for the Purpose of making, repairing, completing, or amending the said Roads, or shall get



or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Thirty Days (except the Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own Use only and not for Sale), every Person so offending shall forfeit for every such Offence any Sum not exceeding Forty Shillings.

LXXII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyors, or any other Person or Persons under the Authority of this Act, to dig, get or gather, or to take and carry away, Materials for repairing the said Roads in or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his usual Place of Residence, to appear before Two Justices of the Peace acting for the County or Town where such Lands are situated, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier shall attend pursuant to such Notice, such Justices shall, if they think meet, authorize such Surveyor or other Person to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, such Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended; and provided always, that the Power and Authority given to the said Trustees to take Materials as aforesaid, shall not extend to the pulling down of any Dwelling House or other Building, or entering upon the Scite of any House or other Building, or entering upon any Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, without the Consent in Writing of the Owner or Owners and Occupier or Occupiers thereof, any Thing herein contained to the contrary notwithstanding.

Not to take away Materials without Notice;

nor to prejudice Houses, &c.

LXXIII. Provided always, and be it enacted, That in every Case where it may be necessary to exchange or take Ground as herein-before allowed for the Purposes of this Act within the County of *Berwick*, the same shall not affect, alter, or diminish the valued Rent or old Extent of the Land from which such Grounds shall be taken.

Ground taken not to diminish valued Rent, &c.

LXXIV. And be it enacted, That it shall not be in the Power of any Person or Persons to erect or cause to be erected any Dwelling House or other Building nearer to the Centre of any Part of the Roads aforesaid than Fifteen Feet; and in case any Person or Persons shall nevertheless presume so to build any Dwelling House or other Building nearer to the Centre of any Part of the said Roads, it shall be in the Power of the said Trustees to cause an Action to be brought against such Offender or Offenders, for having such Dwelling Houses or other Buildings removed under the Authority of this Act, or it shall be lawful for any Two Justices of the Peace for the County or Place wherein any such House or Building shall be situated, and they are hereby authorized and required, on the Application of any Two of the said Trustees, after Ten Days previous Notice to the Person or Persons who shall have erected such House or other Building, to order such

Houses not to be built within a certain Distance of the Centre of the Road.

[Local.]

17 T

Houses



Houses or Buildings to be removed, and to fine or amerciate such Offender or Offenders, when convicted as aforesaid, in a Sum not exceeding Five Pounds, over and above the Expence of removing such Houses or Buildings as aforesaid.

Roads to be measured, and Mile Stones to be erected and preserved.

LXXV. And be it enacted, That the said Trustees shall, as far as not already done, cause the said Roads to be measured, and Mile Stones to be erected, as also Guide or Direction Posts to be placed at the Cross Roads or Lanes branching from the main Roads; and in case any Person or Persons shall break or deface the said Mile Stones, or pull down, or break, or deface any of the said Guide or Direction Posts, each such Person or Persons shall be adjudged to pay a Sum not exceeding Forty Shillings, besides the Expence of repairing the Damages and of the Procedure, or (in the Option of the Judge or Judges) shall be imprisoned in the Bridewell or Gaol of the County or Place, for such Number of Days not exceeding Sixty, as to him or them shall appear proper.

Preventing Timber, &c. being hauled on the Roads, or Dung, &c. laid thereon.

LXXVI. And be it enacted, That if any Person or Persons shall haul or draw, or cause to be hauled or drawn, any Tree or Piece of Timber, or any Stone, or other Thing whatsoever, upon the Surface of the said Roads, otherwise than upon a Wheel Carriage or Cart, or if any Person or Persons shall turn a Plough, or any other Instrument of Husbandry, or Cattle drawing the same, upon any Part or Parts of the Roads aforesaid, or if any Person or Persons shall lay down or leave any dead Horse, Carrion, or other Nuisance (except in case of Accident) upon any of the said Roads or Bridges, or the Sides of the same, or within Twenty Yards thereof, or shall lay down any Dung, Lime, Sand, Rubbish or any other Matter or Thing whatsoever, upon any Part of the said Roads, Foot-paths, Ditches, or Drains, except for building Fences or repairing the Roads, or shall unnecessarily leave any Waggon, Wain, Cart, or any other Carriage, loaded or unloaded, upon any Part of the said Roads, or upon the Streets of any of the Towns or Villages through which the same shall pass, for any longer Time than shall be requisite for loading or unloading the same, or in case the same shall not during such Time be standing as near to the Side of the Road as conveniently may be, or if any Person or Persons shall dig Holes or Pits in the said Roads or Streets, or on the Sides thereof, so as to endanger Passengers, Cattle, or Carriages travelling the same, each and every Person or Persons offending in Manner aforesaid shall forfeit and pay a Sum not exceeding Twenty Shillings, besides forfeiting such Dung, Lime, or other Matters aforesaid, so laid down or left.

No Driver to drive Carriages, &c. abreast.

LXXVII. And be it enacted, That no Driver of any Coach, Chaise, Waggon, Wain, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, whether loaded or unloaded, shall drive or permit the same to travel or pass upon the said Roads or any Part thereof, abreast or alongside of any other Coach, Chaise, Waggon, Wain, Cart, or other Carriage whatsoever, Horse, Ass, Mule, or other Beast of Burden, so as wilfully to obstruct the free Passage of the said Roads, or any Part thereof; and every Person offending in the Premises, shall for such Offence forfeit and pay a Sum not exceeding Twenty Shillings.

To drive to the Left or Near Side.

LXXVIII. And be it enacted, That the Driver of every Coach, Chaise, Waggon, Wain, Cart, or other Carriage whatsoever, and the Rider or Driver



of every Horse, Afs, Mule, or other Beast of Burden, upon the said Roads, or any Part thereof, shall be obliged, upon meeting or upon being overtaken by another Coach, Chaise, Wain, Waggon, Cart, or other Carriage whatsoever, Horse, Afs, Mule, or other Beast of Burden, to make way, by holding or driving to his own Left Hand, or what is commonly called holding to the Near Side, and that without Distinction, whether the Coach, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, Afs, Mule, or other Beast of Burden, so meeting or overtaking another, be loaded or unloaded; and every such Carriage, Horse, or other Beast of Burden, overtaking any other Carriage, Horse, or other Beast of Burden, shall pass on the Right Hand thereof; and every Person offending in the Premises shall for each Offence forfeit and pay a Sum not exceeding Twenty Shillings.

LXXIX. And be it enacted, That if any Person or Persons shall break down, damage, or destroy, or attempt to break down, damage, or destroy, any Turnpike Gate, Toll House, Stable, or Garden thereto belonging, Post, Chain, Bar, Wall, Fence, or any of the Bridges, Parapets, or Ledges, or other Appurtenances whatsoever, erected or to be erected on the said Roads, or in virtue of this Act, or connected therewith, or vested in the said Trustees, or any Part or Parts thereof, or shall strike, maltreat, or threaten any of the Toll Gatherers, or any Person or Persons of their Family, employed in levying the said Tolls and Duties, or otherwise exercising the Duties of his Office, or shall rescue or attempt to rescue any Person guilty of any of the Offences aforesaid, such Person or Persons offending as aforesaid shall be obliged to pay for all Damages incurred, and shall also forfeit and pay a Sum not exceeding Five Pounds; and in Default of making Satisfaction for the said Damages, and paying the Fine as aforesaid, such Person or Persons shall be imprisoned in the Common Bridewell or Gaol of the County or Place in which such Person shall have been found guilty of any such Offence, for any Time not exceeding Fourteen Days.

Punishing  
Persons de-  
stroying the  
Turnpikes,  
Ledges of  
Bridges, &c.

LXXX. And be it enacted, That from and after the passing of this Act every Person who shall inclose Land upon the Sides of the said Roads with Hedge and Ditch, shall make the Ditch and plant the Thorns towards the Field to be inclosed, laying the Soil or Mould taken out of the Ditch towards the Road, and leaving sufficient Breadth of Ground between the Bank and Road for a Conduit to convey Water along the Sides of the Road and into the Ditch; and that where Dikes and Ditches are now or shall be made hereafter on the Sides of the said Roads, by the Owners or Occupiers of Lands adjacent thereto, such Owners or Occupiers shall be obliged to repair and keep up such Dikes and to cleanse such Ditches regularly when required by the Trustees, or by any other Person acting under their Authority; and if any Trees, Bushes, or Hedges, shall hurt or injure any Part of the said Roads or other Works vested in the said Trustees, the said Trustees, or any Person acting under their Authority, shall require the Owners or Occupiers, as the Case may be, to lop and prune the same; and if any such Owners or Occupiers, when required in Writing and at the proper Seasons for such Operations, shall refuse and neglect to repair such Dikes or to cleanse such Ditches, or to lop or prune such Trees, Bushes, or Hedges, it shall be lawful to the Trustees to employ proper Persons for repairing, cleansing, lopping, and pruning as aforesaid;

Enclosures  
on the Sides  
of the Roads.



said, the Expence whereof shall be recovered from the said Owners or Occupiers, in an Action at the Instance of the Trustees, or Persons acting under their Orders, before any Two or more Justices of the Peace of the County or Town in which such Owners and Occupiers shall reside; and such Justices of the Peace are authorized and required to enforce and give Effect to the Orders of the Trustees in all these Points.

Cattle not to pasture on the Roads, &c.

LXXXI. And be it enacted, That if any Person or Persons shall turn out or shall permit or suffer any Horse or Horses, or other Beast or Beasts, or Swine, to run loose or stray, or to graze upon the Sides or Parts of the said Roads, or in the Drains or Ditches adjoining thereto, such Person or Persons shall for every such Horse, Beast, or Swine, forfeit and pay a Sum not exceeding Twenty Shillings, to be recovered and applied in Manner herein-after mentioned.

Drains may be made through adjoining Lands.

LXXXII. And be it enacted, That it shall and may be lawful for the Surveyor or Surveyors of the said Trustees, and for such Person or Persons as they shall appoint, by Order of the said Trustees, or any Three or more of them, to make such Trenches, Ditches, or Drains, with proper Passages and Outlets for the same, through any Lands contiguous to the said Roads, (not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House), as they shall judge necessary for the better repairing and upholding the said Roads, and for conveying away the Water from Ditches, which are or hereafter shall be made along the Sides of the said Roads; and after such Passages and Outlets have been so made by the Trustees, or that the Owner or Occupier of the Ground already has made, or hereafter shall, for the Benefit of the Lands, make such Ditches or Drains contiguous to the Roads, such Owner or Occupier shall be obliged in all Time thereafter to keep clear such Outlets and Passages from the said Trenches and Ditches from Time to Time as they shall be required by the said Trustees, or any Two or more of them, so as the Outlets may not be stopped or the Water be prevented from flowing, but may have free Passage through the said Grounds; and in case of such Owner or Occupier neglecting or refusing to clear and cleanse such Outlets and Passages, when thereto required by the Surveyor or Surveyors of the said Roads, or any Person duly authorized by the said Trustees, then and in that Case such Trustees shall have Power to clear and cleanse such Outlets and Passages, and to charge and levy the Expence thereof on the Owner or Occupier in Manner herein-after mentioned.

Drains in Front of Houses to be kept clear.

LXXXIII. And be it enacted, That the Owners or Occupiers of all Houses built or to be built on the Sides of the aforesaid Roads shall be obliged to keep the Drains in Front of such Houses at all Times properly cleansed and cleared out, and failing thereof after Ten Days' Notice given them for that Purpose, it shall be in the Power of the Trustees to cause such Drains to be cleaned and cleared out at the Expence of the Occupiers of such Houses, the Amount of which shall be recovered in Manner herein-after mentioned.

Headridges to be made, and Gates on the Sides of the Roads to open inwards.

LXXXIV. And be it enacted, That from and after the passing of this Act every Person ploughing any uninclosed Land, contiguous to any of the said Roads, shall make Headridges along the Sides of the said Roads of the Breadth of Eighteen Feet at least, and every Person neglecting or failing



so to do, shall for every such Neglect or Failure, forfeit and pay a Sum not exceeding Five Shillings for each Yard in Length along the Sides of the said Roads of the Land so ploughed without Headridges having been made, to be levied, recovered, and applied in Manner herein-after directed; and all Gates made or to be made upon Inclosures next to any of the said Roads shall open inwards to the Field; and opposite to any Gate or Entry communicating with the said Roads, there shall be laid by the Owner or Occupier of the Ground with which such Gate or Entry shall communicate, a covered Way or Bridge of Stones or other proper Materials over the Drain on the Side of the Roads, which covered Way or Bridge shall be constantly kept free and clear by such Occupier, that the Water may pass through below the same; and in case any Owner or Occupier of Ground adjacent to the said Roads, shall omit and fail to perform any of the Matters above mentioned, it shall be competent for any Two of the Trustees, by an Order subscribed by them, to ordain the same to be performed at the Expence of such Owner or Occupier as aforesaid; such Expence to be recovered by Application to and Warrant of any One of His Majesty's Justices of the Peace, who shall also award against the Offender a Penalty not exceeding Forty Shillings, together with the Expences of the Application: Provided also, that no Occupier of Land shall turn any Water upon the Side of any of the said Roads, nor conduct any Water across any of the said Roads for the meliorating of his Fields or other Purposes, until he shall have applied for and obtained the Consent of the said Trustees at a General or Adjourned Meeting assembled; and every such Occupier shall be obliged to carry the Water across the Road in a covered Drain of such Depth and Construction, as that the Water may not prejudice the Road, and shall thereafter be bound to keep up and maintain all such covered Drains as aforesaid.

LXXXV. And be it enacted, That the Trustees may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Clerk or Treasurer for the Time being; and no Action or Suit wherein the said Trustees shall be concerned as Plaintiffs or Defendants, or Pursuers or Defenders, in the Name of their Clerk or Treasurer, by virtue of this Act, shall abate by the Death or Removal of any such Clerk or Treasurer, but that the Clerk or Treasurer to the said Trustees for the Time being shall be deemed to be the Plaintiff or Defendant, Pursuer or Defender (as the Case may be) in every such Action: Provided always, that every such Clerk or Clerks, Treasurer or Treasurers, by whom or in whose Name or Names any Prosecution, Action, or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be reimbursed and paid out of the Monies to be raised by virtue of this Act all such Costs, Damages, and Charges as by the Event of any such Proceeding he or they shall be put to or become chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, or Defendant or Defendants, Pursuer or Pursuers, or Defender or Defenders, as aforesaid.

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

LXXXVI. And be it enacted, That all Penalties and Forfeitures by this Act imposed, the Recovery whereof is not otherwise herein provided for, may be recovered by summary Complaint, at the Instance of any of the said Trustees, or of any Person acting by their Orders, before any One or more of the Justices of Peace for the said County or Place in which the Penalties or Forfeitures shall have been incurred;

Recovery of Tolls, Penalties, &c.

[Local.]

17 U

and



and the Fact or Facts being verified or proved by the Confession of the Party, or by the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths such Justices are hereby authorized to administer), or by other satisfactory Evidence, the said Justice or Justices is and are hereby authorized and required to grant a Warrant for distraining the readiest moveable Goods or Effects of the Defaulter or Offender; and the Persons distraining the same are hereby authorized and empowered to sell the Goods and Effects so distrained, and to return the overplus Money (if any there be) upon Demand, to the Owner of such Goods or Effects, after such Tolls, Penalties, and Forfeitures, the Expence of the Warrant, and the reasonable Charges of distraining, keeping, and selling such Goods or Effects, shall be deducted and paid; and all Penalties and Forfeitures, if not otherwise directed to be applied by this Act, shall be paid to the said Trustees, and shall be laid out for the Purposes of this Act; and in case sufficient Distress cannot be found, or such Tolls, Expences, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Hands, to cause such Defaulter or Defaulters, Offender or Offenders, to be committed to the Common Gaol of the County or Place within which he, she, or they may reside, there to remain for any Time not exceeding Three Calendar Months, unless the said Tolls, Expences, Penalties, and all reasonable Charges, shall be sooner paid and satisfied.

Persons aggrieved may appeal to the Quarter Sessions.

LXXXVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Order, Determination, Proceeding, Matter or Thing, made or done in pursuance of this Act, (save and except any Order, Determination, Proceeding, Matter or Thing herein-before directed to be final), and for which no particular Relief hath been herein-before provided, such Person or Persons may within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County or District wherein the Cause of Complaint shall arise, such Appellant first giving or causing to be given Twenty-one Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer of the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or District, with sufficient Sureties, conditioned to try such Appeal at and abide by the Order of, and pay such Costs as shall be awarded against him, her, or them, by the said Justices at such Quarter Sessions; and the said Justices at such Sessions, upon Proof of Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and may award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Limitation of Actions:

LXXXVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done or pretended to be done in pursuance of this Act, until Fifteen Days Notice thereof shall be



be given to the Clerk to the said Trustees, nor after a sufficient Satisfaction or a Tender thereof shall be made to the Party or Parties aggrieved, nor after Three Calendar Months after the Fact committed; and every such Action shall be laid and tried in the County or Place in which the Matter complained of shall be committed and not elsewhere; and the Defendant or Defendants, Defender or Defenders, in every such Action or Suit, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear that the same was so done, or that such Action or Suit was brought before Fifteen Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction had been made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be laid or brought to be tried in any other County or Place, then the Jury shall find, or Judgment shall be given for the Defendant or Defendants, Defender or Defenders; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if Judgment shall be given against the Plaintiff or Plaintiffs, Pursuer or Pursuers, the Defendant or Defendants, Defender or Defenders shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defender hath for Costs of Suit in any other Case by Law.

LXXXIX. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to lessen, prejudice, or take away the Right of the Mayor, Bailiffs, and Burgeses of the Borough and Corporation of *Berwick-upon-Tweed*, or their Successors, or their Lessee or Lessees, to the Tolls and Duties paid or payable for Cattle, Goods, or any other Thing passing or carried over *Berwick Bridge*, or through the Gates of the said Town; but that the said Mayor, Bailiffs, and Burgeses, and their Successors, shall and may have the same Right and Power to take and enjoy the said Tolls as fully and effectually as if this Act had not been made. Right of the Corporation of Berwick to the Tolls of the Bridge reserved.

XC. And be it enacted, That the Expences of procuring and passing this Act shall be paid out of the first Monies levied or borrowed by virtue of this Act. Expences of the Act.

XCI. And be it 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.

XCII. And be it enacted, That the Powers by this Act granted shall commence from and after the passing of this Act, and shall continue from thence during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Continuance of Act.



## SCHEDULE to which this Act refers.

Proprietors Names.	Occupiers Names.	Description of Property.
<b>NORTH SIDE OF BRIDGE STREET.</b>		
Joseph Emerfon	Margaret Flude	A Dwelling Houfe.
Do.	Archibald Duncan	A Shop.
Do.	Joseph Emerfon	A Dwelling Houfe and Shop.
Robert Marshall	James Weatherly	A Shop.
Do.	William Brown	A Dwelling Houfe.
<b>SOUTH SIDE.</b>		
Robert Marshall	Robert Marshall	A Dwelling Houfe and Shop.
Do.	Charles Martin	A Dwelling Houfe and Shop.
Do.	William Fish and Son	A Dwelling Houfe and Shop.
<b>ON THE QUAY.</b>		
Corporation of Berwick	The old Shipping Company Berwick	A Fish Houfe.
Do.	Robert Lyall and Co.	A Block Maker's Shop.

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