



ANNO PRIMO

GEORGIIV. REGIS.

Cap. xxx.

An Act for more effectually improving the Road from *Gateshead*, in the County of *Durham*, to the *Church Lane* near *Ryton Lane Head*, and from the *Bar Moor* to the *Hexham Turnpike Road* near *Dilston Bar*, in the County of *Northumberland*, and other Roads therein described; and also for altering the Line of a certain Part of the first above-mentioned Road. [22d June 1820.]

WHEREAS an Act was passed in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually amending, widening, improving, and keeping in Repair, the Road from Gateshead, in the County of Durham, to the Church Lane, near Ryton Lane Head, and from the Bar Moor to the Hexham Turnpike Road near Dilston Bar, in the County of Northumberland; and also several other Roads therein described, lying within the said Counties*: And whereas a considerable Sum of Money has been borrowed upon the Credit of the Tolls authorized to be collected upon the said Roads, which still remains due, and the same cannot be paid off and the said Roads kept in Repair, unless the Term of the said Act is enlarged; and it is expedient for these Purposes that the Powers and Provisions of the said Act should be repealed, and further and other Powers granted instead thereof: And whereas it would very much facilitate the Passage of Carts and

39 G.3. c.51.

[Local.]

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heavy

heavy Carriages, and be of great public Utility, to alter and turn that Part of the said Road which lies between *Stella House* and *Ryton Lane Head*, in the Parish of *Ryton*, in the County of *Durham* aforesaid, and instead thereof to make a new Road, beginning at the present Road at *Stella House* aforesaid, and passing along the private Road of *Peregrine Edward Towneley* Esquire, to a House situate a little to the East from *Stella Hall*, in the Occupation of *James Codling*, and thence past *Stella Hall*, and along the Side of the *Crofts Main Waggonway*, to join the old Road again at *Ryton Lane Head* aforesaid, and such new Road will pass through the Parish of *Ryton* aforesaid, and the several Townships of *Stella* and *Ryton*, in the County of *Durham*; and it is expedient that Powers should be granted for that Purpose; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 Third *Monday* next after the passing of this Act, the said Act passed in the Thirty-ninth Year of the Reign of His said late Majesty, shall be and the same is hereby declared to be repealed, and null and void, to all Intents and Purposes whatsoever; and that instead thereof, on the same Day, this Act shall commence and take effect, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of repairing, amending, and improving the Road from *Gateshead*, in the County of *Durham*, to the *Church Lane*, near *Ryton Lane Head*, and from the *Bar Moor* to the *Hexham* Turnpike Road, near *Dilston Bar*, in the County of *Northumberland*; and also the Road from *Mickleby Bank* to *Lead Hill* or *Silver Hill*; and also the Road cross certain Grounds late belonging to *Crozier Surtees* Esquire, but now to *Robert Surtees* Esquire, in the Parish of *Ryton*, in the County of *Durham*; and also the Road leading from or out of the said Turnpike Road at *Swatwell*, in the County of *Durham* aforesaid, through *Swatwell*, and so along *Market Lane* to *Team Works*, and from thence to *Adam Askew* Esquire's Road, and then along the same into the said Turnpike Road at *Windmill Hills*, near *Gateshead* aforesaid; and also for altering and diverting the Line of such Part of the said first above-mentioned Road as lies between *Stella House* and *Ryton Lane Head*, in the Parish of *Ryton* aforesaid, and for making instead thereof a new Road, beginning at the present Road at *Stella House* aforesaid, and passing along the private Road of *Peregrine Edward Towneley* Esquire, to a House situate a little to the East from *Stella Hall*, in the Occupation of *James Codling*, and thence past *Stella Hall* and along the Side of the *Crofts Main Waggonway*, to join the old Road again at *Ryton Lane Head* aforesaid; and this Act, and the Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit of the said former Act, and also to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this Act, together with all Interest due, and which shall or may from Time to Time hereafter become due and payable for the same respectively.

Recited Act
repealed.

Roads
described.

II. And be it further enacted, That all His Majesty's Justices of ^{Trustees.} the Peace acting for the respective Counties of *Durham* and *Northumberland*, together with *Adam Askew*, *Richard Craster Askew*, *Robert Lancelot Allgood*, *James Allgood* Clerk, *Ralph Atkinson*, *Matthew Atkinson*, *Thomas Allason* Clerk, *Sir Francis Blake* Baronet, *Thomas Richard Beaumont*, *Thomas Wentworth Beaumont*, *Charles John Brandling*, *Robert William Brandling*, *Charles William Bigge*, *Thomas Hanway Bigge*, *Matthew Bell*, *Charles Bacon*, *John Bacon*, *Calverly B Bewicke*, *Christopher Blackett*, *Christopher Blackett* the younger, *Joseph Bainbridge*, *John Barras*, *James Blackburn* Clerk, *William Beaumont*, *George Baker*, *William Bainbridge*, *George Bainbridge*, *Nicholas Burnett*, *Dixon Brown*, *Sir Thomas John Clavering* Baronet, *Charles John Clavering*, *John Clavering*, *Thomas Clennell*, *Edward Charlton*, *John Blenkinsopp Coulson*, *William John Charlton*, *William Cuthbert*, *Mark William Carr*, *Robert Clarke* Clerk, *Nathaniel Clayton*, *John Clayton*, *John Cookson*, *Isaac Cookson*, *John Cox*, *Thomas Davidson*, *John Davidson*, *William Donkin*, *George Dunn* of *Buckton*, *George Dunn* of *Newcastle*, *Matthew Dunn*, *Matthias William Dunn*, *Cuthbert Ellison*, *William Errington*, *Edward Emerson*, *Robert Edington*, *John Fawcett* Clerk, *Joseph Forster*, *Barnabas Fenwick*, *Percival Fenwick*, *Christopher Fenwick*, *Ralph Fenwick*, the Honourable *Edward Grey* Clerk, *Ralph William Grey*, the Rector of *Gateshead* for the Time being, *George Gibson*, *William Greenwell*, *Michael Greene*, *Jasper Gibson* of *Hexham*, *Sir Carnaby Haggerstone* Baronet, *Thomas Haggerstone*, *Thomas Haggerstone* the younger, *John Hunter*, *Thomas Emerson Headlam*, *Thomas Harvey*, *Oswald Head* Clerk, *James Hutchinson*, *George Hepple*, *Sanderson Ilderton*, *Robert Jobling*, *John Creswell Jobling*, *Henry Johnson* Clerk, *James Kirsopp*, *John Kirsopp*, *Thomas Kerr*, *Sir Thomas Henry Liddell* Baronet, *Sir Charles Loraine* Baronet, *Loraine*, *Sir Henry Lawson* Baronet, *John George Lambton*, *Ralph John Lambton*, *Henry Thomas Liddell*, *Henry George Liddell*, *George Thomas Leaton*, *Richard Blenkinsopp Grey Leaton*, *James Losh*, *John Lambton Loraine*, *Humble Lamb*, *Joseph Lamb*, *William Loraine*, *Nicholas Leadbitter*, *Nicholas Leadbitter* the younger, *Richard Lambert*, *William Laws*, *Thomas Leadbitter*, *Sir Charles Miles Lambert Monck* Baronet, *Charles Atticus Monck*, *Matthew Montagu*, *Simon Mewburn*, *Simon Mewburn* the younger, *Thomas Meggison*, *Nicholas Maughan*, *Samuel Pears Maughan*, *William Ord*, *William Ord* of *Nunbury*, *Ormston*, *Robert Pearson*, *Robert Pearson* the younger, *Thomas Patten*, *John Plummer*, *William Peters*, *Sir Matthew White Ridley* Baronet, *Colborne Ridley*, *Ralph Riddell* of *Felton Park*, *Ralph Riddell* of *Cheeseburn Grange*, *John Reed*, *Christopher Reed*, *Archibald Reed*, *Henry Reed*, the Rector of *Ryton* for the Time being, *Henry Richmond*, *Henry Richmond* the younger, *John Ridley*, *John Ruddock*, *Nicholas Ruddock*, *Nicholas Ridley Reed*, *Sir John Edward Swinburne* Baronet, *Edward Swinburne*, *George Silvertop*, *Walter Selby*, *Henry Collingwood Selby*, *George Dalston Shafto*, *Anthony Surtees*, *Robert Surtees*, *William Surtees*, *David William Smith*, *William Smith* of *Haughton Castle*, *William Smith* the younger, *Sir John Trevelyan* Baronet, *John Trevelyan*, *Raleigh Trevelyan*, *Peregrine Edward Towneley*, *Charles Thorp* Clerk, *Robert Thorp*, *Henry Tulip*, *Francis Thompson* Clerk, *Sir Hedworth Williamson* Baronet, *Robert Hopper Williamson*, *Robert Hopper Williamson* the

the younger, Clerk, *John Williamson*, *Henry Witham*, the Rector of *Whickham* for the Time being, *Henry Wastell* Clerk, *George Wilson* Clerk, *Robert Walters*, *Thomas Wailes*, and *John Walker*, shall be, and they and their Successors, to be elected as herein-after mentioned, are hereby nominated and appointed Trustees, for more effectually amending, widening, improving, and keeping in Repair the said several Roads herein-before respectively described, and for putting in Execution the several Powers and Authorities by this Act given and granted.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons not exceeding Ten in the whole, to be Trustees for executing this Act, in addition to the Trustees by this Act appointed; and such Trustees so elected and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named and appointed.

For appointing new Trustees on Vacancies.

IV. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in Manner herein-after mentioned, shall become by Bankruptcy or Insolvency disqualified to act, or shall die or refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time to elect and appoint any other fit Person to be a Trustee in the Room of every Trustee so disqualified to act, dying, or refusing to act as aforesaid; provided that Notice of the Time and Place of Meeting of the Trustees for every such Election, be given by any One or more of the said Trustees, or by the Clerk to the said Trustees, by affixing the same in Writing upon all the Toll Gates or Turnpikes erected or to be erected upon the said Roads, and by inserting such Notice in one or more of the Newspapers published at *Newcastle-upon-Tyne*, Twenty Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee, pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees in the Execution of this Act, to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

Qualification of Trustees.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands or Tenements, Tythes or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised or possessed of Freehold or Copyhold Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds.

VI. Provided

VI. Provided also, and be it enacted, That every Trustee appointed, or to be elected and appointed, by virtue of this Act, before he shall act as such (except in administering the Oath or Affirmation next herein-after mentioned) shall take and subscribe an Oath (or being One of the People called Quakers, shall make and subscribe an Affirmation) in the Presence of any Two or more of the said Trustees (who are hereby authorized and empowered to administer and receive the same), in the Words or to the Effect following; (that is to say),

Trustees to
take an Oath.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I am in my own Right [*or, in Right of my Wife*] truly and *bonâ fide* seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, Tithes, or Hereditaments, situate in the County of (*Northumberland or Durham, as the Case may happen*) of the clear yearly Value of One hundred Pounds above Reprizes [*or, in case of an Heir Apparent, that I am Heir Apparent of C. D. who to the best of my Knowledge and Belief, is truly and bonâ fide seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and fifty Pounds above Reprizes; or, in case of Personal Estate, that I am truly and bonâ fide possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds*], and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act, passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [*here insert the Title of this Act.*] So help me GOD.’

Oath.

And if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of this Act, every such Person 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, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act; provided nevertheless, that all Acts and Proceedings by any such Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

VII. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall hold any Place of Profit under this Act, or who shall be interested or concerned in any Contract or Contracts, or a Lessee, Farmer, or Renter of the Tolls by this Act granted, or who shall keep any Victualling House or other House of public Entertainment, or who shall sell any Wine, Cider, Ale, Beer or Spirituous Liquors by Retail; and that all such Trustees as are Justices of the Peace, may act as Justices of the Peace in the Execution of this Act, not-

Trustees
holding
Place of
Profit not
to act.[*Local.*]

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withstanding

withstanding their being Trustees, except only in Cases where they shall be personally interested.

Meetings appointed.

Clerk to call Meetings, &c.

If the Clerk neglect or omit to call such Meetings, Trustees may do it.

Hours of meeting for Business.

Trustees to defray their own Expences.

Orders to be made at Meetings only, and a Majority of Trustees present concur therein.

Orders not to be revoked unless Nine Trustees are present, and previous Notice given.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *Joiner's Arms Inn*, at *Ryton*, in the County of *Durham* aforesaid, on the Third *Monday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, to proceed to the Execution of this Act, and shall then adjourn themselves to such Place near to the said Road, as they or any Five or more of them shall think proper; and if at any Meeting to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to adjourn to another Day, (Two Trustees being hereby declared to be sufficient for the Purpose of Adjournment only); or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, the Clerk to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing, to be affixed and inserted in Manner aforesaid, at least Ten Days before the next Meeting, appoint the Trustees to meet at the Place where the last Meeting was held, or was appointed to have been held, on such Day as shall be specified in such Notice, not exceeding Three Calendar Months, nor less than Three Weeks after the Day on which such last-mentioned Meeting was held, or was to have been held as aforesaid; and in case the Clerk to the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, at any Time or Times after the Space of Ten Days after such Refusal, Neglect, or Prevention of such Clerk or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at some House near the said Roads, upon the Day Fortnight after the Date of such last-mentioned Notice; but no Business shall be proceeded upon by the said Trustees, at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, and no Adjournment shall be made to, or any Meeting appointed to be held at any Hour later than Four in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees, at all their Meetings, shall defray their own Expences; and all Orders and Determinations of the said Trustees in the Execution of this Act, 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 a Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, and unless the Person or Persons applying to have any such Order or Determination revoked or altered, shall give Notice thereof, in Writing to the Clerk to the said Trustees, and for want of such Clerk, to the Person or Persons acting as Treasurer or Treasurers to the said Trustees, to be by him or them inserted in Manner herein-before mentioned, at least Ten Days previous to the Meeting; and at every Meeting of the said Trustees a Chairman shall and may be appointed, and when and as often as it shall so happen that there shall be on Equality of Votes at

any

any such Meeting upon any Question (including the Vote of the Chairman) then and in every such Case the Chairman shall have, and he is hereby empowered to give the decisive or casting Vote.

IX. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by any Five or more of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, except only in the Cases herein particularly directed to be done and executed by any greater Number of them.

Five Trustees
to be a
Quorum.

X. And be it further enacted, That if after any Adjournment 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 by such Adjournment, in that Case it shall and may be lawful to and for any Two or more of the said Trustees, or to and for the Clerk of the said Trustees, upon an Order in Writing signed by Two or more of the acting Trustees, although not assembled at a Meeting, to appoint the Time, Place, and Purport of such intended Meeting, and to give Notice thereof in Manner before directed, (such Time not being less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at every such Meeting, shall be as valid and effectual as they would have been in case the same had been held in pursuance of Adjournment.

Meetings on
Emer-
gencies.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, shall and may by Writing under their Hands elect and appoint a Clerk; Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall be due and payable by virtue of this Act, and shall take such Security from such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, for the due Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit, and also a Surveyor or Surveyors, and such other Officers as they the said Trustees, or any Five or more of them, shall think proper; and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, shall and may, out of the Money to be raised by virtue of this Act, make such Allowance unto the Clerk, Treasurers, Receivers, Collectors, Surveyors, or other Officers so appointed, for and in consideration of the Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them, shall seem proper; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands,

Trustees
may appoint
Officers.

Officers to
account,

of

or be punished.

of all Monies which shall have been by them respectively had, collected or received, and how and to whom and for what Purpose the same and every Part thereof shall have been disposed of, together with the Vouchers and Receipts for such Payments; and also such Officers and Persons shall and are hereby respectively required to pay all such Monies, as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the same; and if the said Officers or Persons, or any of them, shall refuse or neglect to render and give such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance remaining in their Hands, when thereunto required, in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other Person or Persons, all Books, Papers, and Writings in their Custody or Power, relating to the Execution of this Act, then and in every such Case Complaint being made by the said Trustees, or any Five or more of them, or by any Person or Persons on their Behalf, of any such Neglect or Refusal, to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons so neglecting or refusing shall live or reside, such Justice may and is hereby authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their 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, or any Five or more of them might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and is hereby authorized and empowered, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of taking and making such Distress, and of selling the same; or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place appointed for that Purpose, or if appearing, shall refuse or neglect to give and deliver to the said Justice, an Account or Accounts of Receipts and Payments as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, 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 a Warrant or Warrants under his

his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County or Place where he or they shall live or reside, there to remain without Bail or Mainprize until he or they shall have delivered in and settled his or their Accounts, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his and their respective 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, or any Five or more of them for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to their Treasurer or Treasurers, or to such other Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees, or any Five or more of them, are hereby empowered to make, or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them: Provided always, that no Person who shall be committed for want of sufficient Distress only, shall be detained in Prison for any longer Time than Six Calendar Months.

XII. Provided always, and be it further enacted, That all Persons who shall have been employed, or who shall have received any Tolls or other Money, by virtue or on account of the said former Act, or shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or other Things relating to the said Roads, shall account for the same, and every Part thereof, to the said Trustees, in like Manner and under the like Penalties as the several other Officers and Persons herein-before directed are required to account.

Persons who have received Tolls, &c. by virtue of former Act to account with Trustees in like Manner.

XIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall neglect, or be incapable of performing his Duty, or shall abscond or absent himself, any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting, or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the stead of such Collector or Receiver as shall die or be discharged; and such Person so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person who shall so die or be discharged would have had or would have been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building erected or

Power to discharge Collectors misbehaving and appoint others.

to be erected on the said Roads, for the Space of Four Days, after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, although not assembled at a Meeting, or by their Clerk or Clerks, Treasurer or Treasurers for the Time being; then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County or Place, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same; and to put the said Trustees, or any Three or more of them; or such new appointed Collector or Receiver into the Possession thereof.

Treasurer,
&c. to give
Security.

XIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices, as they the said Trustees or any Five or more of them shall think proper.

Clerk re-
strained from
acting as
Treasurer,
and vice
versa.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this or the said recited Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this or the said recited 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 of this or the said recited Act, or if any Person being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of this or the said recited 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlancc shall be allowed.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the In-
spection of
the Trustees
and Credi-
tors.

XVI. And be it further enacted, That the said Trustees, or any Five or more of them, 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 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 the Meetings of the said Trustees be open to the Inspection of the said Trustees, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward;

Reward; and the said Trustees and Creditors, or any of them, 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 said Clerk shall refuse to permit or shall not permit the said Trustees or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner herein-after mentioned.

XVII. And be it further enacted, That all Orders and Proceedings of the said Trustees, in Execution of the Powers hereby to them given, shall from Time to Time be entered in a Book or Books, to be kept for that Purpose by the Clerk to the said Trustees, and such Orders and Proceedings so entered shall be signed by the same Number of the said Trustees as are in and by this Act empowered to make or direct such Orders and Proceedings respectively, and shall be deemed and taken to be original Orders; which said Book or Books, and also the Book directed to be kept for registering the said Mortgages and Assignments or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Proceedings to be entered in a Book.

XVIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue or in pursuance of this Act, in the Name or Names of any Two or more of the said Trustees, or in the Names of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Names of the said Trustees, or any Two of them, or in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of any such Trustees or Clerk; or by the Act of any such Clerk, without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action: Provided always, that such Trustees and every such Clerk, in whose Names or Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or Consequence of any such Action or Proceeding they or he shall pay, bear, expend, or be put unto or become chargeable with, by reason of their or his being made Plaintiffs or Plaintiff, or Defendants or Defendant as aforesaid.

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

Clerk to be reimbursed his Expences.

XIX. And be it further enacted, That the said Trustees, or such other Person or Persons as they or any Five or more of them shall direct or appoint, shall and may continue or build and erect, or cause to be continued, built or erected, such and so many Toll Gates or Turnpikes, in, upon, or across, or on the Side of, any Part or Parts of the said Roads, and across any Lane, Road, or Way, leading into or out of the same; and also a Toll House to each Gate or Turnpike, with Out-buildings suitable thereto; and also, shall and may inclose such convenient Gardens to the said Toll Houses, as the said Trustees, or any Five or more of them, shall think fit, not exceeding One-Eighth Part

Power to continue and erect Toll Gates.

Part of an Acre, and may cause any of such Toll Gates or Turnpikes, Toll Houses, and Out-buildings, from Time to Time to be taken down, altered, or removed, as they or any Five or more of them shall judge proper.

Turnpikes,
&c. vested in
Trustees.

XX. And be it further enacted, That the Right, Interest, and Property of all the said Toll Houses, Turnpikes, and Gates, and of all Posts and Rails, and all other Things whatsoever erected or provided by virtue of the said former Act, or which shall be erected or provided by virtue of this Act, and of the Materials for building and making the same respectively, and also all the Materials which shall be got or collected for repairing the said Roads, shall be and are hereby vested in the said Trustees, and they or any Five or more of them, shall and may sell and dispose thereof, and apply the Money arising by such Sale, in such Manner and for such Uses and Purposes as the said Tolls are by this Act directed to be applied and disposed of; and the said Trustees, or any Five or more of them, shall and may, in their own Names or in the Name of their Clerk or Treasurer, bring Actions and prefer Bills of Indictment against, or otherwise prosecute any Person or Persons who shall steal, take away, break down, or damage any of the Toll Houses, Turnpikes, Gate-posts, or Rails, which have been or shall be built, erected, or provided by virtue of the said former Act or this present Act, or any of the Materials herein-before mentioned; in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Houses, Articles, Matters, or Things, to be the Property of the Clerk for the Time being to the said Trustees.

Power to
take Tolls.

XXI. And be it further enacted, That the following Tolls shall be demanded and taken at each and every of the Toll Gates, Turnpikes, or Side Gates, to be continued, built, or erected by virtue of this Act (except as herein-after is excepted) 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, Beast, Cattle, or Carriage whatever, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricle, Phæton, Calash, Chair, Hearse, or other such Carriage, the Sum of Eight-pence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Eight-pence *per* Score; and so in proportion for a greater or less Number:

For every Drove of Calves, Hogs, Goats, Sheep, or Lambs, the Sum of Four-pence *per* Score, and so in proportion for a greater or less Number:

For every Horse, Ox, or other Beast drawing any Four-wheeled Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a flat or level Surface of that Breadth, the Sum of Sixpence:

For

For every Horse, Ox, or other Beast drawing any Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a flat or level Surface of that Breadth, the Sum of Sixpence :

For every Horse, Ox, or other Beast drawing any Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling a flat or level Surface of that Breadth, the Sum of Nine-pence :

For every Horse, Ox, or other Beast, drawing any Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling a flat or level Surface of that Breadth, the Sum of Sixpence :

For every Horse, Ox, or other Beast drawing any Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a less Breadth or Gauge than Six Inches, the Sum of Eleven-pence.

For every Horse, Ox, or other Beast drawing any Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a less Breadth or Gauge than Six Inches, the Sum of Eight-pence.

And for every Horse, Ox, or other Beast drawing any Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Soles or Bottoms of the Fellies of the Wheels thereof of a greater Breadth or Gauge than Three Inches, and of less Breadth or Gauge than Five Inches, and the Lading whereof shall exceed the Weight of One hundred and eighty Stones of Fourteen Pounds Weight to the Stone ; and for every Horse, Ox, or other Beast drawing any such Carriage, having the Soles or Bottoms of the Fellies of the Wheels thereof of the Breadth or Gauge of Three Inches, or less, and the Lading whereof shall exceed the Weight of One hundred and thirty Stones, of Fourteen Pounds Weight to the Stone, Double the Tolls or Sums of Money herein-before respectively mentioned and made payable, for every Horse, Ox, or other Beast drawing any such Waggon, Wain, Cart, or other such Carriage, not being so laden as aforesaid.

Which said respective Tolls, and all other Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being ; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned in such Manner as is herein-after mentioned ; and if any Person or Persons, subject to the Payment of any of the Tolls authorized to be taken by virtue of this Act, shall, after Demand thereof made by any Collector or Collectors appointed to receive the same, or by any Lessee or Lessees thereof, or of any Part thereof, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall and may be lawful for the said Collectors or Lessees, or any of them respectively, or any other Person or Persons whom they respectively shall take to their Assist-

Tolls vested in Trustees.

For compelling Payment of Tolls.

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ance therein, to distrain any Horse or Cattle, Beast or Carriage, upon which any of the said Tolls are by this Act imposed, or any of the Lading, Harness, or Accoutrements thereof respectively (except the Bridles or Reins of any such Horse or other Beast separate from such Horse or other Beast); and the Collector or Collectors, Lessée or Lessees so distraining, shall and may, at his or their Election, either detain and keep the Horse, Cattle, Beast, Carriage, or other Articles so distrained, until such Tolls, with the reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid; or if such Tolls and Charges shall not be paid within the Space of Five Days after the Day of making such Distress, the Person or Persons so distraining shall and may at any Time or Times thereafter, sell the Horse, Cattle, Beast, Carriage, Goods, or other Articles so distrained, and out of the Money which shall arise by such Sale, pay such Tolls, and all reasonable Charges incurred by such Distress and Sale, returning the Overplus of the Money which shall arise by such Sale, and what shall remain unsold (if any) upon Demand, to the Owner or Owners thereof.

For settling
Disputes
concerning
Tolls.

XXII. And be it further enacted, That if any Dispute shall happen about any Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case shall happen, until the Amount of the Tolls, and the Charges of the Distress and Sale, and of keeping the Distress, as the Case may happen, be ascertained by some One Justice of the Peace for such of the Counties of *Durham* and *Northumberland* as the Cause of Dispute shall arise in, who, upon Application made to him for that Purpose, shall examine the Matter by Oath or Affirmation of the Parties, or of a Witness or Witnesses, which Oath or Affirmation the said Justice is hereby authorized to administer, and shall determine the Amount of the Toll due, and also assess and award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors
declared
competent
Witnesses.

XXIII. And be it further enacted, That in case any Dispute, Suit, Action, Prosecution, or Litigation shall arise, touching or in anywise relating to the Tolls authorized to be taken by virtue of this Act, the Person or Persons appointed to collect the same, or any Person or Persons acting by or under the Authority of the said Trustees, shall not be incompetent to give Evidence in any such Dispute, Suit, Action, Prosecution, or Litigation, by reason of his, her, or their being Collector or Receiver of such Tolls, or by reason of his, her, or their acting under the Authority of the said Trustees, or under this Act.

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XXIV. And

XXIV. And be it further enacted, That all Waggon, Carts, and other Carriages, having the Wheels of the Widths and Descriptions, and the Axletrees fixed as mentioned in an Act passed in the Fifty-fifth Year of His late Majesty's Reign, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, and the several Horses and other Beasts drawing such Carriages shall have and be entitled to the Privileges and Exemptions granted by the said Act.

Abatement
of Tolls in
certain Cases.

XXV. And be it further enacted, That One or more Toll Gate or Toll Gates, Turnpike or Turnpikes, shall be erected or continued between *Lobley Hill*, in the said County of *Durham* and *Gateshead* aforesaid, and another Toll Gate or Turnpike shall be erected or continued at or near *Low Team Bridge*, in the said County of *Durham*: Provided always, that no more than One Toll shall be demanded or taken from any Person or Persons for passing the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night, with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes continued or erected by virtue of this Act, at or between *Derwent Bridge*, in the said County of *Durham* and *Gateshead* aforesaid.

Directing
what Toll
Gates shall
be erected
and conti-
nued on cer-
tain Parts of
the Road.

Only One
Toll to be
paid between
*Derwent
Bridge* and
Gateshead.

XXVI. Provided always, and be it further enacted, That no more than One Third of the several and respective Tolls authorized to be taken by virtue of this Act, shall be demanded or taken of any Person for the Passage of any Horse or Horses or other Beast drawing any Carriage, or of any Oxen, Cows, or Neat Cattle, Calves, Hogs, Goats, Sheep, or Lambs, through any Turnpike or Turnpikes, Toll Gate or Toll Gates, to be erected or continued by virtue of this Act, between *Lobley Hill*, in the Parish of *Whickham*, in the County of *Durham* and *Gateshead* aforesaid, and which on the same Day (to be computed from Twelve of the Clock at Night, to Twelve of the Clock in the succeeding Night), shall have passed through or shall pass through any Toll Gate or Turnpike upon *Lobley Hill Road*; nor shall any more than One Halfpenny be demanded or taken of any Person for the Passage of any Horse, Mule, or Ass, laden or unladen, and not drawing, through any Toll Gate or Toll Gates, Turnpike or Turnpikes to be erected or continued by virtue of this Act as last aforesaid, and which on the same Day (to be computed as aforesaid), shall have passed or shall pass through any Toll Gate or Turnpike on the *Lobley Hill Road* aforesaid, any thing herein-before contained to the contrary hereof notwithstanding; and if any Person shall claim or take the Benefit of either of the said Exemptions from the Payment of the full Tolls hereby granted, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Directing
what Tolls
shall be paid
by Persons to
or from the
*Lobley Hill
Road*.

XXVII. Provided always, and be it further enacted, That no more than One Third Part of the several and respective Tolls from Time to Time payable by virtue of this Act, shall be demanded or taken from any of the Inhabitants of the Parish of *Gateshead*, for passing with any Horses, Cattle, or Carriages whatsoever through the

Inhabitants
of *Gateshead*
to pay only
One Third of
the Tolls for
passing
through the
the *Borough Bar*.

the Turnpike or Toll Gate erected on the said Road near to *Gateshead* aforesaid, and commonly called *The Borough Bar*; but that no Person who shall take the Benefit of the said Exemption from the Payment of the full Toll shall be entitled to pass free through the Turnpike or Toll Gate upon the said Road, called *The Low Team Bar*, or through any other Turnpike or Toll Gate now or hereafter to be erected upon the said Roads at any Place or Places out of the Parish of *Gateshead*, and which is or shall be a Ticket Gate to the said Turnpike or Toll Gate, called *The Borough Bar*, but shall at the said Turnpike or Toll Gate called *The Team Bar*, or at such other Turnpike or Toll Gate pay the full Toll payable by virtue of this Act; and if any Person shall claim or take the Benefit of the said Exemption from the Payment of the full Toll, not being entitled to the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Directing what Tolls shall be taken between any Part of *Swalwell* and the West End of the Village of *Whickham*.

XXVIII. Provided also, and it is hereby further enacted, That no more than One Third Part or Proportion of the several Tolls authorized to be taken by virtue of this Act, shall be demanded or taken for any Horses, Cattle, or Carriages whatsoever, or for any Oxen, Cows, or Neat Cattle, Calves, Hogs, Goats, Sheep, or Lambs respectively, passing backwards or forwards between any Part of *Swalwell* or *Swalwell* Repository, and the West End of the Village of *Whickham* only, or repassing on the same Day along the same; and if any Person shall claim or take the Benefit of either of the said Exemptions from the Payment of the full Toll hereby granted, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; any thing herein contained to the contrary notwithstanding.

Tolls to be taken at the Gate on *Swalwell* Bank for Horses, &c. conveying Coals for the Use of the Iron Foundry at *Swalwell*.

XXIX. Provided nevertheless, and be it further enacted, That no more than One Penny Halfpenny shall be demanded or taken for any Horse, Ox, or other Beast, drawing any Carriage employed in carrying Coals to be used in carrying on the Iron Foundry at *Swalwell*, for passing through any Toll Gate or Turnpike, Toll Gates or Turnpikes, continued or erected by virtue of this Act upon *Swalwell* Bank; and that any Person having paid the said Toll of One Penny Halfpenny for such Horse, Ox, or Beast, at such Gate or Turnpike, shall be permitted to pass and repass through the same, with the same Horse, Ox, or Beast Toll-free, Three Times in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, but shall be subject to pay the said Toll for passing a Fourth Time with such Horse, Ox, or Beast through the said Gate or Turnpike, and so *toties quoties*, any thing herein contained to the contrary hereof notwithstanding; and if any Person shall claim or take the Benefit of this Exemption from the Payment of the full Toll, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Carriages, &c. drawing, and Horses, &c. carrying

XXX. Provided also, and be it further enacted, That for the Passage through any of the said Turnpikes or Toll Gates of any Carriage whatsoever, or of any Horse, Mule, or Ass, not drawing, employed

employed in carrying Hay or Corn in the Straw, Limestone or Lime to be used for the Manurance of Land only, Coal to be used in the burning of Lime only, no more than One Half of the Tolls authorized to be taken by virtue of this Act, in respect of any such Carriage, Horse, Mule, or Ass when otherwise employed, shall be demanded and taken; and that if any Person or Persons shall take the Benefit of this Exemption, not being entitled thereto, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Hay, &c. to pay only Half of the Toll.

XXXI. And be it further enacted, That no Person or Persons having paid the Tolls authorized to be taken by virtue of this Act, for passing with any Horse, Beast, Cattle, or Carriage whatsoever, through any Turnpike or Toll Gate continued or erected by virtue of this Act, shall be subject to pay any further or other Toll for returning or repassing with the same Horse, Beast, Cattle, or Carriage, as often as he, she, or they shall have Occasion on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, through the same Gate where such Toll shall have been so paid, such Person or Persons producing a Ticket of the Day denoting such Payment, all which Tickets the Collectors of the Tolls are hereby required to deliver *gratis* on Receipt of the Toll.

Tolls to be paid but once a Day.

XXXII. And be it further enacted, That upon Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis*, to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees, and there shall be printed and specified thereon the Names of the several and respective Turnpikes or Toll Gates freed by such Payment.

Trustees to provide Tickets denoting Payment of Toll.

XXXIII. And be it further enacted, That no Person or Persons shall be chargeable with or liable to pay any of the Tolls hereby made payable, for any Waggon, Wain, Cart, or other Carriage, which shall be laden with or going empty for, or returning empty after having been laden with Stones, Bricks, Lime, Timber, or Wood, or with Gravel or other Materials for repairing the said Roads, or any of the Highways or public Bridges, in the Parishes, Townships, or Places in which the same Roads lie, or with Dung, Mould, Compost, or other Manure, (Lime excepted); or with Hay, Corn in the Straw, or Fodder, to be laid up in the Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places through which the said Roads lead, such Hay, Corn in Straw, or Fodder, being the Product of Lands and Grounds lying within such Parishes, Townships, or Places, or some of them; nor shall any Person or Persons be chargeable with or liable to pay any of the Tolls aforesaid, for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever, belonging to or employed by such Inhabitants respectively only in Husbandry, or stocking of Lands lying within the several Parishes, Townships, or Places adjoining to the said Roads; nor for any Horses employed upon any Railway that does or shall cross the said Roads, or lie on

Exemptions from Tolls.

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the Sides thereof, when going to or returning from their Work on such Railway; nor shall any Toll be demanded or taken from any Rector, Vicar, Curate, or officiating Minister of, or other Person or Persons, who shall pass through any of the said Toll Gates or Turnpikes to or from Church or Chapel, or from any Person or Persons going to or from his, her, or their usual Place of religious Worship tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated; or who shall attend the Funeral of any Person or Persons who shall die, and be buried in any of the said Parishes, Townships, or Places; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate going to or returning from visiting his sick Parishioners; nor for the Horses or other Cattle belonging to any of the Inhabitants of any of the Parishes, Townships, or Places through which the said Roads lead, going to or returning from Pasture, or Watering Places, or going to be or returning from being shoed or farried; or for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back therefrom; or for any Horse or Carriage attending His Majesty or any of the Royal Family; or for the Horses attending any Officers or Soldiers upon March or on Duty, or for Waggon, Carts, or Carriages attending them or laden with their Arms or Baggage; or which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty or His Majesty's Forces, or returning from attending them on such Occasions; 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 of Exercise or Review; provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption as aforesaid; or for Horses, Carts, or Carriages travelling with Vagrants sent by legal Passes, or in returning from carrying such Vagrants; or for any Coaches, Berlins, Landaus, Chariots, Curricles, Phaetons, Chaises, Calashes, Chairs, or Litters, or Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire for the respective Counties of *Durham* or *Northumberland*, during the Time of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Carriages
conveying
Military
Stores not to
be subject to
Penalties for
Overweight,
&c.

XXXIV. And be it further enacted, That no Person or Persons owning, or driving or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat, or other public Stores, of or belonging to His Majesty, or for the Use of His Majesty's

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 being drawn by any Number of Horses or Oxen; but it shall be lawful for the 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.

XXXV. And be it further enacted, That for every Wain, Waggon, Cart, or other Carriage, (except such as shall pass along the *Lobley Hill* Road, or to or from the Repository at *Swalwell*), having the Fellies of their Wheels of less Breadth than Six Inches, passing through any Toll Gate or Toll Gates, Turnpike or Turnpikes, erected or to be erected upon the said Roads or on the Sides thereof, at any Time between the First Day of *November* and the First Day of *May* in every Year, there shall be demanded and taken at each and every of the said Toll Gates or Turnpikes, through which such Wain, Waggon, Cart, or other Carriage shall pass, Double the Tolls or Sums of Money authorized to be taken by virtue of this Act, for every such Wain, Waggon, Cart, or other Carriage at any other Time of the Year; any thing in this Act contained to the contrary thereof notwithstanding.

Waggons, &c. having the Fellies of the Wheels of less Breadth than Six Inches, at what Time to pay double Toll.

XXXVI. And be it further enacted, That if any Person or Persons (not being the Owner or Owners or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants) shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land or Ground adjoining to or lying near any Toll Gate or Turnpike continued or erected by virtue of this Act, the same not being a common Road; or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons (not being his, her, or their Servant or Servants, or of his, her, or their Family), with any Horse, Cattle, Beast, or Carriage, to go or pass through the same, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person other than the Collector of the said Tolls, or shall forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls, or shall forcibly pass through any Toll Gate or Turnpike, with any Horse, Cattle, Beast, or Carriage, without Payment of Toll; or shall take off, or cause to be taken off, any Horse or other Cattle or Beast from any Waggon, Wain, Cart, or Carriage; or shall leave or cause to be left upon or near to any Part of the said Roads, or at or in any House situate near the same, any Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Beast, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be evaded; or if any Person or Persons shall unload or cause to be unladen any Goods, Wares, or Merchandize from any Waggon, Wain, Cart, or Carriage, whereby larger Quantities of such Goods, Wares, or Merchandize shall be carried through any of the said Toll Gates or Turnpikes in one and the same Day, than would have

Penalty on evading Tolls.

have been done if such Goods, Wares, or Merchandize had not been so unloaden; or if any Person or Persons, after travelling along any Part of the said Roads with any Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Beast, shall turn out of the same into any other Road, and afterwards proceed with such Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Beast into and upon the said Roads, whereby the Payment of any of the said Tolls or of any Part thereof shall be evaded, every Person offending in all or any of the Cases aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Trustees may compound for Tolls.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, as they shall see convenient, to compound and agree for any Term not exceeding One Year at any one Time, with all or any of the Inhabitants of the several Parishes, Townships, or Places, to or through which the said Roads lead, for the Passage of their Horses, Cattle, or Carriages through all or any of the Toll Gates or Turnpikes continued or erected, or to be continued or erected upon the said Roads; which said Composition Money shall be paid in Advance; and in Default thereof the Composition or Agreement, with the Person or Persons making such Default, shall from thenceforth be void; and such Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Power to lease the Tolls.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, after giving Twenty-one Days Notice in Writing, by affixing the same on all the Toll Gates or Turnpikes then erected upon the said Roads, and advertising the same in any One or more of the Newspapers published at *Newcastle-upon-Tyne*, from Time to Time to lease and demise the Tolls authorized to be taken by virtue of this Act, or any Part or Parts thereof, for any Term or Time not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Times and under such Covenants as the said Trustees, or any Five or more of them, shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such sufficient Security from the Person or Persons to whom any such Tolls shall be leased or demised, for Payment of the Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees or any Five or more of them shall think fit.

Trustees to have a Bidding when Tolls are put up to Auction.

XXXIX. And be it further enacted, That when the Tolls payable at any Turnpike or Toll Gate, or Turnpikes or Toll Gates upon the said Roads shall be put up to be let to farm, the said Trustees may, if they think fit, appoint some Person to bid for the same, to the Intent that such Tolls may not be let for less than an adequate Value.

Tolls may be varied.

XL. And be it further enacted, That the said Trustees may and are hereby authorized and empowered from Time to Time, when and as often as they shall think proper, to reduce or lessen all or any of the Tolls herein-before specified, and to raise the same again, so as they

they do not at any Time exceed the Tolls herein-before specified, and so as the same or any of them be not reduced below the Tolls herein-before specified, without the Consent of the several Persons who shall then be entitled to Five Sixth Parts of the Money then due on the Security of the said Tolls; and the said Tolls or any of them shall not be reduced or varied, unless Seven Trustees shall be present, and Fourteen Days Notice in Writing shall have been given for that Purpose in Manner aforesaid.

XLI. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate, immediately on his 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 on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue 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 claim such Exemption, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or 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 said Toll, and naming and specifying the several Gates freed by such Payment; or upon the legal Toll being 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 Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, 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, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

For preventing Toll Collectors from taking undue Tolls.

XLII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may, and are hereby empowered from Time to Time, by any Writing or Writings under their Hands and Seals, to assign over the Tolls arising by virtue of this Act, or any Part or Parts thereof, (the Costs and Charges of assigning the same to be borne and paid out of the said Tolls), for any Time or Term during the Continuance of this Act, as a Security for any Sum or

Trustees may borrow Money.

Sums of Money which they shall think necessary for repairing the said Roads, and for the several other Purposes of this Act, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with such legal Interest as shall be agreed upon for the same; which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say),

Form of an Assignment of the Tolls.

‘ BY virtue of an Act made in the First Year of the Reign of His Majesty King George the Fourth, intituled *An Act* [here set forth the Title of this Act] We _____ of the Trustees for putting the said Act in Execution, in Consideration of the Sum of _____ in hand, advanced and paid by *A. B.* of _____ to the Treasurer of the said Roads; do hereby grant, bargain, sell and assign, unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Tolls to arise upon the said Roads, and of the Turnpikes and Toll Houses already or hereafter to be erected for collecting the same, as the said Sum of _____ doth or shall bear to the whole Sum now or hereafter to become due and owing on the Credit thereof, to be had and holden from the Day of the Date hereof, for and during the Continuance of the said Act, unless the said Sum of _____ with Interest after the Rate of _____ per Centum per Annum, shall be sooner repaid and satisfied. Given under our respective Hands and Seals, this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

No Money to be borrowed after the First Meeting unless Notice be given for that Purpose.

But no Money shall be borrowed by the said Trustees, on the Credit of the Tolls hereby granted, after their First Meeting, unless Notice for that Purpose in Writing, under the Hand of the Clerk to the said Trustees, be fixed upon all the Toll Gates or Turnpikes which shall be then erected upon the said Roads; and also advertised in one or more of the *Newcastle* Newspapers at least Fourteen Days before the borrowing such Money.

Assignments or Mortgages to be entered.

XLIII. And be it further enacted, That all and every the Assignment and Assignments to be made by the said Trustees as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose by the Clerk or Treasurer to the said Trustees, which said Book or Books shall and may be seen and perused at all seasonable Times, without Fee or Reward.

Mortgages may be transferred.

XLIV. And be it further enacted, That all and every Person and Persons to whom any Assignment or Assignments shall have been made by virtue of an Act of the Seventeenth Year of the Reign of His late Majesty, mentioned or referred to in the said Act of the Thirty-ninth Year of the Reign of His said Majesty, or by virtue of the said last-mentioned Act, or to whom any Assignment shall be made by virtue of this Act, or who shall be entitled to the Money secured by the said Acts, or either or any of them, shall and may, from Time to Time, by proper Words of Assignment to be indorsed

on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, assign or transfer his, her, or their Right, Title, and Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which Assignment or Transfer may be made in the following Words, or Words to the like Effect; (that is to say),

‘ I, the within named *A. B.* [*or, I, C. D.* Assignee, Executor, or Administrator of the within named *A. B.* as the Case may happen], do hereby assign and transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, with all Interest now due and hereafter to grow due upon the same, unto *E. F.* of his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord One thousand eight hundred and

Form of
Transfer.

Witness to the signing hereof.

Which Transfer shall be produced and notified to the said Clerk or Treasurer, within Three Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books to be kept for entering the original Mortgages, for which Entry the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security, and every such Assignee may in like Manner assign and transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators), to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Transfer has been or shall be made as aforesaid, shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll-Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities; and whenever the said Trustees shall be enabled to pay off any of the Money which has been or shall hereafter be borrowed as aforesaid, they shall ascertain the Securities to be first paid off by Ballot, in such Manner as they or any Five or more of them shall think proper.

XLV. And be it further enacted, That all the Monies which shall arise and be produced, by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue of this Act, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first Place, in Payment of all the Costs, Charges, and Expences incident

Application
of the Money.

incident to or attending the preparing, obtaining, and passing of this Act; in the second Place, in defraying the Expences of erecting and providing Turnpikes, Toll Houses, and other Buildings, and repairing the same, and of making, altering, raising, widening, repairing, preserving, and improving the said Roads, and of erecting and making necessary and convenient Bridges upon the same, and of executing the other Purposes of this Act; in the third Place, in paying the Interest accruing upon the several Principal Sums of Money which now are or shall hereafter from Time to Time be secured in pursuance of this Act; and lastly in reducing, paying off, and discharging the several Sums of Money which have been by the said former Act, and shall be secured in pursuance of this Act, in the Manner and Course herein-before directed or mentioned.

An Action of Ejectment may be supported by One Mortgagee.

XLVI. 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 secure to 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.

For restraining the Trustees from deviating beyond certain Distances of the Line prescribed in the Plan, &c.

XLVII. And whereas a Map or Plan describing the Line of the said new Diversion or Alteration of the said Road, and the Lands through which the same is intended to be carried, together with a Book of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the said County of *Durham*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all seasonable Times, have liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace for the Time being of the said County, the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Trustees, in making the said new Diversion or Alteration of the said Road, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XLVIII. Pro-

XLVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make the said Road into, through, across, or over the several Lands or Grounds of any Person or Persons who is or are or may be Owner or Owners of Land, over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County where such Land shall lie, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Roads through Grounds although the Owners Names are not in the Book of Reference, &c.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Yard, Garden, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except Part of Two several Gardens belonging to *Peregrine Edward Towneley Esquire*, situate in the Township of *Stella*, in the said County of *Durham*, and now in the Possession of Messieurs *Matthias* and *George Dunn*; and also except Part of a Garth or Yard, situate at *Runhead*, in the Township of *Ryton*, in the said County of *Durham*, belonging to *Robert Surtees Esquire*, and now in the Occupation of *Edward Emerson Gentleman*.

Trustees not to take down Houses without Consent.

L. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Sand, Gravel, and other Materials proper or convenient for repairing the said Roads, and for building and repairing Toll Houses, Bridges, Conduits, and Walls upon the same, or on the Sides thereof, out of any Waste Grounds, Common, River, or Brook (not being within the Distance of Thirty Yards from any Bridge, Dam, Weir, or Jetty,) in any Parish, Township, or Place within which the said Roads or any Part or Parts thereof respectively do lie, and for want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials, in the Places last described, then to dig, take, and carry away the like Materials out of any Waste Grounds, Common, River, or Brook (not being within the like Distance from any Bridge, Dam, Weir, or Jetty), in any adjoining Parish, Town, Village, or Hamlet, without making any Recompence for the same, the said Surveyor and Surveyors filling up, fencing or levelling all such Pits and Holes as shall be made or occasioned by digging for or taking away such Materials, and making such Allowance or Satisfaction to the Person or Persons through whose Lands or private Ways such Materials shall be led and carried for the Damages done and occasioned thereby, as the said Trustees, or any Five or more of them, shall think fit and reasonable; and in case the said Trustees, or any Five or more of them, shall be of Opinion that such Materials cannot conveniently be gotten from such

For getting Materials.

Waste Grounds, Common, Rivers, and Brooks as aforesaid, on account of the Distance thereof from the said Roads, or for any other reasonable Cause, that then it shall be lawful for such Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by order of any Two or more Justices of the Peace for the County or Place in which that Part of the said Road shall lie, to search, dig for; and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any House, or inclosed Ground planted, set apart, or used as a Plantation or Nursery for Trees), where such Materials are and may be found in any Parish, Township, or Place, in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Township, or Place, and from Time to Time to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Roads, or erecting, making, or repairing any such Buildings, Bridges, Conduits, or Walls respectively as aforesaid, paying such Recompence for the Damage done to the Owners and Occupiers of the respective Grounds, where, through, and from whence the same shall be dug and carried away, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching any of the Damages aforesaid, any One or more Justices of the Peace for the County wherein the Lands lie from which such Materials shall be taken, or over or through which the same shall have been led or carried, on Ten Days Notice being given by either Party to the other, in Writing, shall and may assess, adjudge, and finally determine the same, in such Manner as they shall think fit and expedient.

Notice to be given to Occupiers of private Grounds, before any Materials are taken therefrom.

LI. Provided always, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or such other Person or Persons as aforesaid, under the Authority of this Act, to dig, gather, take, or carry away any such Materials as aforesaid, for any of the Purposes of this Act, in or from any inclosed Lands or Grounds, until after Twenty-one Days Notice in Writing, signed by the Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds from which such Materials are intended to be taken, or left at their usual Place of Residence, to appear before any Two or more Justices of the Peace acting for the County in which such inclosed Lands lie, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials shall not be taken away; and in case such respective Owners or Occupiers shall by themselves or their respective Agents attend, pursuant to such Notice, and shall not show sufficient Cause to the contrary, the said Justices shall, if they shall think proper, authorize such Surveyor or other Officer, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; or if such respective Owners or Occupiers shall neglect or refuse to appear by themselves or their respective Agents, the said Justices shall and may make such Order therein

therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such respective Owners or Occupiers had attended in Manner aforesaid.

LII. And be it further enacted, That if any Person whomsoever shall take or carry away any Materials which shall have been dug, gathered, or wrought, for the Purpose of making, completing, or amending the said Roads, or for any other the Purposes of this Act, 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 same Roads, before the said Surveyors or their Workmen shall have discontinued working therein, for the Space of Three Calendar Months (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale); every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Penalty on taking away Materials got by Surveyor.

LIII. And be it further enacted, That it shall be lawful for the said Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances on any Part or Parts of the said Roads, by Timber, Stone, Carriages, Sawpits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to turn any Watercourses, Gutters, Conduits, or Drains running into the same Roads to the Prejudice thereof, and to open, scour and cleanse, deepen and enlarge any Gutter, Ditch, Conduit, or Watercourse, adjoining or near to the said Roads, or any Part or Parts thereof respectively; and also, at proper Seasons of the Year, to cut down or lop any Branches of Trees, Shrubs, or Bushes, not being an Ornament or Shelter to any House, growing in the Hedges, Fences, or Grounds adjoining thereto, not being a Garden, Orchard, Park, Paddock, Plantation, Walk or Avenue to a House, so as to reduce such Hedges to any Height not less than Four Feet, and to take and carry away the same, in case the respective Owners or Occupiers of the Lands where such Annoyances shall happen to be, shall neglect so to do for the Space of Ten Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such Surveyor or Surveyors; the Charges whereof to be settled by the said Trustees, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors, by such respective Owners or Occupiers neglecting to cut down such Branches of Trees, Shrubs, or Bushes, or by the Person or Persons occasioning or neglecting or refusing to remove such Annoyances as aforesaid; which Charges shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered; and if after the Removal of any such Annoyances, any Person or Persons shall offend again in like Manner, every such Person shall for every such Second or further Offence forfeit and pay any Sum not exceeding Ten Pounds.

Surveyors may remove Annoyances.

LIV. Pro-

Penalty on
Persons
laying down
Lead, Dung,
&c. near
Gates.

LIV. Provided also, and be it further enacted, That no Lead, Dung, Ashes, Compost, Manure, or other Thing, shall be unloaded and laid down near to any Toll Gate or Turnpike erected or to be erected on the said Roads, or near to the Sides thereof, and afterwards reloaded and led along the said Roads, or any Part thereof, upon pain that the Owner or Owners of the Carriages, Horses, or Beasts carrying the same, or the Driver or Drivers thereof, shall forfeit and pay for the first Offence any Sum not exceeding Twenty Shillings, and for every subsequent Offence any Sum not exceeding Forty Shillings.

Surveyors
may make
Causeways,
Drains, &c.

LV. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees, or of any Five or more of them, to make Causeways in or along the Sides of the said Roads, and to cut and make Drains or Watercourses upon and through any Grounds lying contiguous to the said Roads, not being a Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House, and to erect and keep in repair Bridges and Arches thereupon; and also to make Ditches or Trenches in such Places, and in such Manner as such Surveyor or Surveyors, or other Person or Persons shall judge necessary, and also to make sufficient Fenders, Barriers, and other Erections on any Part or Parts of the said Roads, in order to prevent any River or Current of Water from flooding the same, as such Surveyor or Surveyors, or other Person or Persons shall judge necessary; and also to make or cause to be made any temporary Road or Roads, through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads, not having a House or other Building thereon, and not being a Garden, Orchard, Park, planted Walk, or Avenue to any House, or Plantation, or Nursery of Trees, to be made use of as a Road, while the old Road shall be repairing, and until the same shall be made safe and convenient for Travellers, making such Satisfaction to the Owner or Occupiers of such Grounds so to be used, cut through, or built upon, for the Damages which they or any of them shall sustain thereby, as the said Trustees, or any Five or more of them, shall judge reasonable; and in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, the same shall be settled by the Justices of the Peace for the County wherein the Matter of Difference shall arise, at their General Quarter Sessions of the Peace to be held for such County next after such Difference shall arise.

Trustees may
widen, divert,
&c. the
Roads.

LVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall have full Power and Authority at any Time during the Term of this Act, to alter and divert within the Limits herein-before mentioned, the Line of such Part of the said Road as lies between *Stella House* and *Ryton Lane Head* aforesaid, in the Manner herein-before particularly mentioned, and from Time to Time to widen any other Part or Parts of the said Roads, and to divert, turn, or alter the Course or Path of any Part or Parts thereof respectively, through or over any Moor or Waste Ground, without making

making any Satisfaction for the same; and also through or over any private Grounds or Hereditaments, so as the said Trustees shall first make Satisfaction to the Owners of and Persons interested in any such private Grounds or Hereditaments, over which either the said new Road from *Stella House* to *Ryton Lane Head* aforesaid, or any other such new Line of Road shall pass, for the Damages they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any private Grounds or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners and Persons interested, or any of them, shall or may any ways sustain by such widening, turning, or altering any Part or Parts of the said Roads; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Tail, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians or other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for or on Behalf of any Infant, Feme Covert, Cestuique Trust, and for all and every Person or Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Five or more of them, all or any of such Lands or Hereditaments, as Occasion shall be or require; and all Contracts, Sales, and Conveyances which shall be made, shall, without any Fine or Fines, Common Recovery or Common Recoveries, be valid and effectual in the Law to all Intents and Purposes, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act: Provided always, that it shall not be lawful for the said Trustees, in diverting, turning, or altering the Course or Path of any Part or Parts of the said Roads, except in making the said new Road from *Stella House* to *Ryton Lane Head* aforesaid, to deviate more than One hundred Yards from the present Line or Course of the said Roads, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands or Grounds which may be affected by any such Diversion or Alteration; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Tail, Trustees, or any other Person or Persons interested in any such Lands, Grounds, or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Hereditaments so to be taken in and added to any Part of the said Roads, or into which any Part or Parts of such Roads are

Corporations and incapacitated Persons empowered to sell.

On Refusal to sell a Jury to settle the Recompence.

[Local.]

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or is to be turned or altered, shall, by the Space of Ten Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence, shall be prevented from treating, then and in every or in any such Case the said Trustees, or any Five or more of them, shall cause it to be inquired into and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments do lie (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or on account of the taking such Lands, Grounds, or Hereditaments into the said Roads, or turning any Part or Parts of such Roads into the same Lands, Grounds, or Hereditaments; and in order thereto, the said Trustees, or any Five or more of them, are hereby empowered and required, from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any Two or more of the said Trustees are hereby empowered to administer); and they shall order and cause the said Jury to view the Places in question if there be Occasion, and use all lawful Ways and Means, as well for their own as for the Jury's better Information in the Premises, as the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled such Damage and Recompence, the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners, Occupiers, or Proprietors of or other Persons interested in the said Lands, Grounds, and Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Judgment, Order, or Determination so had and made shall be final, binding, and conclusive, to all Intents and Purposes against all Parties and Persons whomsoever claiming in Possession, in Fee, or in Tail General or Special, Reversion or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons anyways interested in such Lands, Grounds, or Hereditaments, shall, upon Payment or Tender of the Sum or Sums of Money so assessed as aforesaid, thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property of, in, to, or out of the same; and for the summoning or returning of such Jury or Juries, the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein the Lands, Grounds, or Hereditaments in question as aforesaid do lie,

Their Verdict
to be final.

Sheriffs to
summon
Juries.

lie, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place, and within such County, as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Two or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time, to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or not give his Verdict, or in any other Manner shall wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence before the said Jury touching the Premises shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn and give Evidence, and from Time to Time to levy and apply such Fine or Fines, in the same Manner as other Forfeitures and Fines are herein-after directed to be levied and applied, so that such Fine shall not exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, nor the Sum of Forty Shillings upon any other Person for any one Offence.

Sheriff, &c.
to be fined on
neglect of
Duty.

LVII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property, or any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses for ascertaining and determining the Value of any such Right, Property, or Interest, or the Losses or Damages sustained as aforesaid, shall be paid by the said Trustees; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment

How the
Expences of
the Jury, &c.
are to be paid.

ment for no more or for less Monies than shall have been agreed to and offered by the said Trustees; or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property, in any such Lands or Hereditaments, or Losses or Damages as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be paid by the Person or Persons with whom the said Trustees shall have had Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some Justice or Justices of the Peace for the County wherein such Lands, Grounds, or Hereditaments respectively shall lie, not being interested in the Matter or Question (who is and are hereby empowered and required to examine, ascertain, and settle the same), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand after being so ascertained and settled as aforesaid, may be recovered by such Ways and Means as are herein-after provided for the Recovery of Penalties, Forfeitures, and Fines.

In Cases of Persons absent Trustees to pay Expences of treating.

LVIII. Provided always, and be it further enacted, That in Cases where any Person or Persons shall, by reason of Absence out of the Kingdom, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Monies to arise under or by virtue of this Act.

Money allowed for Lands, &c. how to be charged and tendered.

LIX. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the said Tolls, or out of the Monies borrowed on the Credit thereof, either into the Bank of *England*, or to the Parties or Persons respectively entitled thereto, or to their Agents, as the Case may require, as herein-after mentioned; and upon Payment or Tender thereof to the Party or Parties entitled to receive the same, or on depositing the same in the Bank of *England*, in Manner by this Act directed, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be by them, or by such Person or Persons as they or any Five or more of them shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall, to all Intents and Purposes whatsoever, become and be deemed and taken to be a Common Highway and Part of the said Roads, and shall be repaired and kept in Repair in such Manner as the same Roads hereby appointed to be made and repaired are respectively by this or any other Law to be made and repaired, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Grounds, and Hereditaments; and after such new Road shall be completed, the Lands constituting such former
Road,

Road, or any Part thereof, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place, to which such new Road doth not lead, shall be vested in the said Trustees for the Time being, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, for the best Price that can be gotten for the same, and the Money arising from such Sale shall be applied to the Purposes of this Act; and the Sale or Sales, Conveyance or Conveyances, to be made of such Lands or Grounds, being executed by the said Trustees, or any Five or more of them, and enrolled in the Office of the Clerk of the Peace for the County wherein such Road shall lie, shall be good and effectual in Law, to all Intents and Purposes whatsoever; any thing herein contained to the contrary notwithstanding.

LX. Provided always, and be it further enacted, That the said Trustees before they shall so sell or dispose of the Ground or Soil which form the Road to be diverted, turned, or altered by virtue of this Act, or such Piece or Pieces of Ground over and above what shall be necessary for effecting the Purposes of this Act, shall first offer to sell or re-sell 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, and Hereditaments, lying on both Sides of such diverted Road, or the Person or Persons from whom the same Piece or Pieces of Ground shall have been purchased; and in case the Owner or Owners of the said Lands, Tenements, and Hereditaments on both Sides of the said diverted Road, or the Person or Persons from whom such Piece or Pieces of Ground have been so purchased shall refuse to purchase or re-purchase the same (as the Case may happen to be) on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County or Place in which such diverted Road or Piece or Pieces of Ground shall lie (who is hereby required to take such Affidavit) by some Person or Persons no way interested in the Premises; such Affidavit 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 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 re-purchasing the Ground or Soil of such diverted Road, or of re-purchasing such Piece or Pieces of Ground 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, or any Five or more of them, 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, or any Five or more of them, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the

First Offer of Overplus Lands to be made to the former Owners thereof, or the Owners of adjoining Lands.

said Trustees of such diverted Road, Piece or Pieces of Ground as aforesaid, 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 Nonapplication of such Money.

Application
of Compen-
sation Money
when
amounting to
or exceeding
200l.

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

When
amounting to
less than
200l.

LXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements,
or

or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall 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 or Tenements so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

LXIII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next 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, and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

When amounting to less than 20l.

LXIV. 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, or Hereditaments, to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them, or in case such Person or Persons to whom 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, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the Lands, Tenements, or Hereditaments [describing them] subject to the Order,

In case of not making out Title.

Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession to be deemed presumptively entitled, &c.

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

The Court of Chancery may direct the Payment of Expences.

LXVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who

who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

LXVII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Roads, shall be made and hung to open and swing inward towards such Field or Ground, and not towards the said Roads; and that it shall be lawful for the said Trustees, or any Five or more of them, to order all such Gates as are now erected, or may hereafter be erected, and open and swing outward towards the said Roads, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outward towards the said Roads, shall (after Ten Days Notice from the Surveyor of the said Roads requiring him, her, or them to alter any such Gate or Gates and to make the same to open and swing inwards), refuse or neglect to make such Alterations, or after such Alterations shall have been once made, shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Gates not to swing into the Roads.

LXVIII. And be it further enacted, That in all Cases where the said Trustees shall widen, turn, or alter any Part or Parts of the said Roads, or make any new Road over and through any private Grounds, the said Trustees, or any Five or more of them, shall make or cause to be made proper Walls or Quickset Fences, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Roads, and also proper Gates, Bridges, and Arches where necessary, out of the said Roads into the Lands adjoining, and shall keep the Quickset Fences so to be made in proper Order and Repair, for and during the Term of Five Years from the Time when such Quickset Fences shall have been made or planted.

Trustees to fence new Roads.

LXIX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to authorize and empower the said Trustees to pull up, alter, damage, obstruct or prejudice any Waggon Way laid or to be laid across or near the said Roads, or any Part thereof, or to stop or obstruct any Horses going or returning with any Waggons laden with Coals or empty, passing along the same Waggon Ways, but that the Owner or Occupier of any such Waggon Ways shall have the same Right and Power to use and enjoy the same, and to lay any new Waggon Way or Ways from Time to Time as Occasion may require, and to do all such Acts and Things as are or shall be needful or necessary for the Purposes aforesaid, as fully and freely as if this Act had not been made, except a certain Waggon Way leading to the Staith at *Stella*, in the County of *Durham* aforesaid; now occupied by Messrs. *Matthias* and *George Dunn*, which it is hereby provided and declared may be altered and varied for the Purposes of this Act: Provided always, that no such Waggon Way which shall cross any Part of the said Roads,

Waggon Ways not to be damaged.

[Local.]

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shall

shall be raised more than Two Inches above the Level of such Roads.

Lands liable to the Repairs of Bridges, &c. to continue so.

LXX. And be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridges, Arches, Drains, or Sewers lying in and upon the said Roads which have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politic or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise, or by the said Counties of *Durham* or *Northumberland*, or either of them, or any Ward, Parish, or Township therein respectively; or otherwise howsoever, all and every such Part or Parts of the said Roads, and all such Bridges, Arches, Drains, and Sewers, shall from Time to Time be maintained and kept in Repair by such Person and Persons, Bodies Politic and Corporate, Counties, Wards, Parishes, or Townships, in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act.

Parishes to continue liable to Repair, and regulating the Statute Labour.

LXXI. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road shall pass, shall be liable to the Repair of such Parts of the said Roads as are within their respective Parishes, Townships, Hamlets, Districts, or Places, in such and the same Manner as they are liable to the Repair of any other Highways within the same; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Durham* and *Northumberland*, and they are hereby empowered and required, upon Application made to them by the said Trustees, or any Five or more of them, or by their 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 them paid to the said Trustees or their Treasurer or Treasurers; and in order thereto, it shall and may be lawful to and for such Justices, from Time to Time to summon the Surveyor or Surveyors of the Highways for 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, Township, or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect 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 to be subject and liable to do Statute Work as aforesaid,

said, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in 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 the Payment of any Money, in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the Surveyor or Surveyors of such Parishes, Townships, and Places respectively, to be by him or them paid over to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by 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 last or 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 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 and Effect for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found negligent or idle by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person sending such Labourer, Team, or Draught shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if 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 the amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or 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 or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

LXXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Roads, or any Part thereof; and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all and every

Trustees may compound for Statute Work.

every of the Parishes, Townships, or Places duly authorized for that Purpose, at a public Vestry, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officers of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in Advance, on or before the First Day of *May* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

Penalty on Persons obstructing the Execution of this Act.

LXXIII. And be it further enacted, That if any Person or Persons shall assault or hinder, or cause to be assaulted or hindered, the Collectors of the said Tolls, or any of them, or the Turnpike Surveyor or Surveyors, or any Person or Persons employed by them, or any of them, or by the said Trustees, or any Five or more of them, in the Execution of any Part of this Act, every such Person or Persons so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds.

Roads to be measured and Mile Stones erected.

LXXIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall be and are hereby empowered and required to cause the said Roads to be measured and Mile Stones or Posts to be set up and from Time to Time renewed on the Sides thereof respectively, with Inscriptions thereon denoting the Number of Miles and Distance of Places, and also proper Direction Posts where any other Roads lead out of or into the said Roads hereby directed to be repaired respectively, with Inscriptions thereon denoting to what Place or Places such other Roads respectively do lead, as they or any Five or more of them shall think fit; and if any Person or Persons shall wilfully break or pull down, dig up, injure, or destroy any of the Stones or Posts which shall be so fixed or set up, or erase, obliterate, or deface any of the Inscriptions or Letters which shall be engraven or made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty on riding on Footpaths, &c.

LXXV. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of the said Roads, or any Part thereof, or shall wilfully or negligently damage or destroy any of the Fences, Walls, or Gates on the Sides of the said Roads and belonging thereto; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways, or if any Person or Persons shall plough over or drag any
Plough

Plough upon any Part of the said Roads, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Roads, to the Prejudice or Injury thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter which shall be or lie upon any Part of the said Roads, so as wilfully to damage the said Roads, or any Part thereof; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon a wheeled Carriage, to drag upon any Part of the said Roads to the Prejudice or Injury thereof; or if any Person shall, after having blocked or stopped any Waggon, Cart, or other Carriage whatsoever, in going up any Hill or rising Ground, leave or suffer or permit to be and remain on any Part of the said Roads, the Stone or other Thing used in such blocking or stopping; or if any Person driving any Pigs or Swine upon the said Roads shall suffer the same to root up or damage the said Roads, or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copse on either Side thereof; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Beast, Pig, or Swine to graze, or be and remain loose on the said Roads; or if any Person driving any Coach, Chaise, or Waggon, Cart, or other Carriage upon the said Roads, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the Left or Near Side of the said Roads; or if any Person or Persons shall in any Manner wilfully prevent any other Person from passing him, her, or them upon the said Roads, or the Coach, Chaise, Waggon, Cart, or other Carriage under his or their Care; or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever on any Part of the said Roads, or within Eighty Feet of the Centre thereof, or play at Football, or any other Game or Games whatsoever, on any Part of the said Roads, to the Annoyance of Persons travelling thereon; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, without some reasonable Cause, to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed, in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart, or other Carriage, during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Roads as conveniently may be, in, upon, or on the Side of the said Roads, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hindrance, or Prejudice of any Person or Persons travelling thereon, or shall do any other Damage or Injury to the said Roads, or any Part thereof, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

[*Local.*]

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LXXVI. And

Trustees may
contract for
Repairs.

LXXVI. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they or any Five or more of them shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Roads, or any Part or Parts thereof respectively, and for erecting, building, and making Arches and Bridges upon the same, and for erecting Mile and Direction Stones or Posts thereon, and for making any Hedges or Fences, or turning, altering, widening, or making any Part or Parts of the said Roads, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees or any Five or more of them shall think proper.

Contracts to
be binding.

LXXVII. And be it further enacted, That all Contracts in Writing entered into pursuant to an Order made at any Meeting by the said Trustees or any Five or more of them, and signed by any Five or more of them, shall be binding to the said Trustees, and also to the other Parties who shall sign the same, and the Executors and Administrators of such other Parties; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

For securing
transient
Offenders.

LXXVIII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons, who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace of the County near to the Place where the Offence or Offences shall have been committed, and such Justice is hereby empowered to proceed to the hearing and determining of the Complaint,

Penalties and
Forfeitures
how to be
recovered
and applied.

LXXIX. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed, (the Manner of levying and recovering of which is not herein otherwise particularly described), shall upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace of the County or Place where the Offence or Offences shall be committed, either by the Confession of the Party or Parties offending, or by Oath of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices, (which Warrant or Warrants such Justice or Justices is and are hereby authorized and required to grant for those Purposes, and to administer such Oath *gratis*); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sales are deducted, shall be returned on Demand,

mand, to the Owner or Owners of such Goods and Chattels; and all such Penalties, Forfeitures, and Fines, when so paid and levied (if not directed to be otherwise applied by this Act), shall from Time to Time be paid to the said Trustees or any Five or more of them, or to their Treasurer for the Time being, and shall be laid out and applied in putting this Act in Execution; and in case sufficient Distress shall not be found, and such Penalties, Forfeitures, and Fines shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained and kept in safe Custody, until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Ten Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then and in such Case it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

LXXX. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the like Effect, as the Case shall happen :

How Convictions shall be drawn up.

‘ to wit. } BE it remembered, That on the Day of
 ‘ in the Year of His Majesty’s Reign, and in the
 ‘ Year of our Lord A. B. is convicted
 ‘ before of His Majesty’s Justices of the Peace for the
 ‘ County of [here specify the Offence and when and
 ‘ where committed] contrary to the Form of the Statute made in the
 ‘ First Year of the Reign of His Majesty King George the Fourth,
 ‘ intituled *An Act* [here set forth the Title of this Act]; and I, [or
 ‘ we] do therefore declare and adjudge, that the said A. B. has
 ‘ forfeited for his said Offence the Sum of
 ‘ (or shall be committed to [the Place of Imprisonment] for the
 ‘ Space of). Given under my Hand and Seal [or
 ‘ our Hands and Seals] the Day and Year first above written.’

LXXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done

Allowing an Appeal to the Quarter Sessions.

done in pursuance of this Act, (save and except the Verdict of the Jury with respect to the Value of the Lands, Messuages, or Tenements, in turning, altering, widening, or making any Part or Parts of the said Roads as herein-before is directed), and for which no particular Relief hath been herein-before appointed, such Person or Persons may within Six 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 for the Counties of *Durham* or *Northumberland* respectively, in which such Cause of Complaint shall arise, such Appellant or Appellants first giving or causing to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, to the Clerk or Treasurer of the said Trustees, or other the Person or Persons against whose Act such Appeal shall be made, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said respective Counties, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded against him, her, or them, by the Justices at such Quarter Sessions; and the said Justices at their said Sessions, on due Proof being given of such Notice as aforesaid, and of the entering into such Recognizance, shall proceed in, hear, and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they the said Justices shall respectively think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes.

Distress not
unlawful for
Want of
Form only.

LXXXII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceeding relative thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damages in an Action on the Case.

Proceedings
not to be va-
cated for
Want of
Form.

LXXXIII. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter to be done or transacted in or relating to the Execution of this Act, shall be quashed for Want of Form, or be liable to be removed by Certiorari or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; any Law or Statute to the contrary notwithstanding.

Inhabitants
may be Wit-
nesses.

LXXXIV. And be it further enacted, That no Inhabitant of any Parish, Township, District, or Place, in which any Offence may be committed

committed against this Act, shall be deemed to be an incompetent Witness, by reason of his or her being an Inhabitant of such Parish, Township, District, or Place.

LXXXV. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass or wrongful Proceedings, committed in carrying the Trusts of this Act into Execution, or in any Matter or Thing concerning or relating to the same, if Tender of sufficient Amends shall be made by or on Behalf of the Party who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no Tender shall have been made it shall and may be lawful to and for the Defendant in any such Action, with Leave of the Court wherein such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he shall see fit; whereupon such Proceedings or Orders and Judgments shall be had and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Not to recover if sufficient Tender of Amends before Action brought.

Defendants allowed to pay Money into Court before Issue joined.

LXXXVI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act until Ten Days after Notice shall be thereof given to the Clerk of the said Trustees, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months after the Fact committed; and every such Action or Suit shall be laid or brought in the County wherein the Cause thereof did arise and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead specially, or the General Issue, Not Guilty, 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 the same shall appear to have been so done, or that such Action or Suit shall have been brought before Ten Days Notice thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict or Verdicts, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Case by Law.

Limitation of Actions.

General Issue.

Treble Costs.

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

Public Act.

[*Local.*]

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LXXXVIII. And

Term of this
Act.

LXXXVIII. And be it further enacted, That this Act shall commence and take place on the Third *Monday* next after the passing of this Act, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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