



ANNO PRIMO

GEORGII IV. REGIS.

Cap. lxxi.

An Act for repairing the Road leading from Longhorseley Bar, near the Town of Morpeth, by Longhorseley, Weldon Bridge, and Whittingham, to the River Breamish, and from thence to Piercey's Cross, in the County of Northumberland.

[8th July 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 repairing and amending the Road leading from Longhorseley Bar or Gate on the Post Road near the Town of Morpeth, by or through Longhorseley, Weldon Bridge, and Whittingham, to the River Breamish, and from thence to Piercey's Cross, in the County of Northumberland*: And whereas considerable Sums of Money have been borrowed upon the Credit of the Tolls authorized to be collected upon the said Road, which still remain due and cannot be paid, nor can the said Road be effectually improved and maintained, and kept in good and sufficient Repair, unless the Term of the said Act is enlarged, and the Tolls thereby granted altered and increased; and it would be more convenient to the Trustees, and the said Road would be more effectually improved and repaired, if the Powers and Provisions therein contained were repealed, and other and further Powers granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most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

39G. 3. c. 43.

[Local.]

23 M

Spiritual

Act repealed. Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Day of the Commencement of this Act, the said recited Act shall be and the same is hereby repealed; and from thenceforth this Act shall commence and take Effect, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, and improving, maintaining, and keeping in Repair the said Road, leading from *Longhorseley* Bar or Gate on the Post Road, near the Town of *Morpeth*, by or through *Longhorseley*, *Weldon Bridge*, and *Whittingham*, to the River *Breamish*, and from thence to *Piercey's Cross* in the County of *Northumberland*, and for the several other Purposes herein mentioned; 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 Tolls authorized to be collected upon the said Road, and also to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

Trustees.

II. And be it further enacted, That the Justices of the Peace acting for the County of *Northumberland*, *Adam Atkinson* the elder, *Adam Atkinson* the younger, *Christopher Atkinson*, *Sir Francis Blake* Baronet, *Bigge*, *Bryan Burrell*, *Charles Bacon*, *John William Bacon*, *Addison*, *John Cresswell Baker*, *Dixon Brown*, *Palfrey George Burrell*, *William Bailey*, *Henry Boag*, *John Boag*, *William Sadlier Bruire*, *John Brumell*, *Charles John Clavering*, *Mark William Carr*, the Reverend *Joseph Cook* Clerk, the Reverend *Robert Clarke Caswall* Clerk, *Henry Collingwood* the younger, *Matthew Culley* of *Akeld*, *Matthew Culley* of *Fowberry*, *Alexander Davidson*, *John Frankland*, *James Fenwick*, *John Manners Fenwick*, *Nicholas Fenwick*, *Robert Orde Fenwick*, *John Peregrine Lascelles Fenwick*, *Thomas Forster*, the Honourable Lieutenant General *George Gray*, *Anthony Gregson*, *Sir Carnaby Haggerston* Baronet, *Thomas Haggerston*, *Thomas Haggerston* the younger, *John Hopper*, *George Hughes*, *Joseph Hughes*, *Richard Hodgson*, the Reverend *William Haigh* Clerk, *Thomas Howey*, *William James Sanderson*, *Ilderton*, Lieutenant General *Walter Ker*, *Walter Ker* the younger, *Thomas Ker*, *Sir Thomas Henry Liddell* Baronet, *Henry Thomas Liddell*, *Robert de Lisle*, the Reverend *Edmund Law* Clerk, *John Leithed*, *Bertram Mitford*, the Reverend *James Manisty* Clerk, the Reverend *William Bell Moises* Clerk, *John Mills*, *Thomas Meggison*, the Reverend *Edward Otter* Clerk, *Robert Ogle*, *William Ogle*, *Wallis Ogle*, *William Pawson*, *Ralph Riddell*, *William Stanhope Roddam*, *James Robson*, *Lancelot Reed*, *Edward Swinburne*, *Walter Selby*, *John Smart*, *William Lynn Smart*, *Thomas Selby*, *Sir Horace Saint Paul* Baronet, *Sir John Trevelyan* Baronet, *Raleigh Trevelyan*, *John Tewart*, *John Trevelyan*, the Honourable and Reverend *Venables Vernon*, *John Allen Wilkie*, *Robert Hopper Williamson*, *John Wilson*, and *Christopher Wealleans*, shall be and they and their Successors to be elected as herein-after mentioned, are hereby appointed Trustees for more effectually repairing and keeping in Repair the said Road, and for putting in Execution the several Powers and Authorities in and by this Act given and granted.

III. And

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

Power to appoint additional Trustees.

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 die, or by Bankruptcy, Insolvency, or otherwise, become disqualified to act, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint one other fit Person to be a Trustee in the Room of every Trustee 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 the Clerk or Clerks to the said Trustees, by affixing the same in Writing upon all the Toll Gates or Turnpikes erected upon the said Road; 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.

For appointing new Trustees on Vacancies.

V. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of the said recited Acts and this Act may be done and executed by the Majority of the Trustees hereby nominated and appointed, or who shall hereafter be elected and appointed as aforesaid, present at their respective Meetings, the whole Number present not being less than Five; and all Acts, Matters, and Things so done by any such Five or more Trustees, shall be as good, valid, and effectual as if the same had been done by all the Trustees herein named or to be appointed, except only in Cases herein particularly directed to be done and executed by any greater Number.

All Acts may be done by the Majority of Trustees, unless otherwise directed.

VI. 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 Right of his Wife, seised or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Messuages, Lands, Tenements, 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 Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes, or shall be possessed of a clear Personal Estate

Qualification of Trustees.

Acts of un-qualified Trustees, previous to Conviction, declared valid.

Estate of the Amount or Value of Four thousand Pounds; 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, nor 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 of 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.

Trustees to take an Oath.

VII. 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 next herein-after mentioned at the First or Second Meeting of the said Trustees), shall take and subscribe an Oath before any Two or more of the said Trustees (who are hereby empowered to administer the same), in the Words or to the Effect following; (that is to say),

Oath.

‘ I *A. B.* do swear, 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 Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes: [*And in the Case of an Heir Apparent*] I *A. B.* do swear, 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 Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred and fifty Pounds above Reprizes: [*And in case of Personal Estate*] I *A. B.* do swear, 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 of Parliament passed in the First Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act [here set forth the Title of the Act]*.

‘ So help me GOD.’

Trustees holding Places of Profit, not to act.

Trustees who are Justices, may act as such.

VIII. Provided also, and be it 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, or concerned in any Contract under this Act, or who shall be a Lessee or Farmer of the Tolls hereby granted: Provided always, that all such Trustees as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in Cases where they shall be personally interested.

IX. Provided always, and be it further enacted, That no Innkeeper or Person or Persons who shall keep any Victualling House, Ale House, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted and made payable, and to be collected on the said Road, during such Time as he, she, or they shall be such Innkeeper, or shall keep such Victualling House, Ale House, or other House of public Entertainment, or shall sell any Wine, Cider, or Beer, Ale, Spirituous or other Liquors by Retail; but no such Person shall be precluded from farming such Tolls provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

Innkeepers,
Victuallers,
&c. incapable
of acting.

X. And be it further enacted, That the said Trustees shall meet at the *Castle Inn* in *Whittingham*, in the said County of *Northumberland*, on the Day of the Commencement of this Act, at Eleven of the Clock in the Forenoon, and proceed to the Execution of this Act, and shall then, and from Time to Time afterwards, adjourn themselves and meet at the same Place, or at such other Place or Places upon or near and within the Limits of the said Road as the said Trustees shall think most convenient for putting this Act in Execution, but no Adjournment shall be made for any longer Space of Time than Three Calendar Months; 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), 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 upon all the Toll Gates or Turnpikes erected upon the said Road, and inserted in One or more of the Newspapers published at *Newcastle-upon-Tyne*, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, or at some other fit and convenient Place upon or near to and within the Limits of the said Road, on such a 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 so appointed; 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 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, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at the Place where the last Meeting was appointed to be held, or at some other fit and convenient Place upon or near and within the Limits of the said Road, upon the Day Fortnight after the Date of such last-mentioned Notice; but no Business shall be proceeded upon by the Trustees at any Meeting to be held under this Act before the Hour

Meetings
appointed.

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 such Meetings shall defray their own Expences, and all Orders, Agreements, 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, Agreement, or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein, nor shall any such Order, Agreement, or Determination be revoked or altered at any subsequent Meeting unless Nine or more Trustees shall be present, and unless the Person or Persons applying to have any such Order, Agreement 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 affixed and inserted in Manner herein-before mentioned, at least Ten Days previous to the Meeting.

Meetings
may be held
on Emergen-
cies.

XI. And be it further enacted, That if at any Time it shall be thought necessary for the better Execution of this Act that the Trustees should meet before the Time to which any Meeting is adjourned, it shall and may be lawful to and for any Two or more of the said Trustees, or to and for the Clerk to the said Trustees, by an Order in Writing, signed by any Two or more of them, to appoint the Time and Place of such Meeting, and to give Notice thereof by Advertisement in one or more of the *Newcastle* Newspapers; and such Meeting of the Trustees shall be held at such Time and Place as shall be directed by the said Trustees (such Time not being less than Fourteen Days after Publication of the said Notice), which Notice shall also express the particular Business intended to be done and transacted at such Meeting; and such Business, when done at such Meeting by a sufficient Number of Trustees authorized to transact such Business, shall be as valid as if the same had been done at any other Meeting of Trustees held by virtue of this Act: Provided always, that no other Business, than what shall be specified in such Notice shall be transacted at any such Meeting.

Trustees to
appoint Offi-
cers.

XII. And be it further enacted, That the said Trustees at their first or any other subsequent Meeting as Occasion shall require shall and may by Writing under their Hands elect and appoint a Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall become 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 and faithful Execution of his or their Office or Offices, as the said Trustees shall think fit; and also a Clerk, Surveyor or Surveyors, and such other Officers, as they the said Trustees shall think proper, and also may from Time to Time remove such Clerk, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the

said Trustees shall see Occasion; and the said Trustees 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 shall seem proper; and all such Officers and Persons shall from Time to Time when thereunto required by the said Trustees deliver to such Trustees or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under their respective Hands of all Monies which shall have been by them respectively had, collected, or received, and how, to whom, and for what Purpose, the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments, and all 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 shall appoint to receive the same; and if the said Officers or Persons or any of them shall refuse or neglect to tender 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 to such Person or Persons as they shall appoint within Ten Days after being thereunto required by the said Trustees, all Books, Papers, and Writings in their Custody or Power, relating to the Execution of this Act, then and in every such Case, on Complaint being made by the said Trustees 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 might have done; and if upon 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 Non-payment 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

Officers to
account.

that Purpose (unless prevented by some reasonable Cause or Excuse, to be allowed as sufficient by such Justice), 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 any of the Cases aforesaid, the said Justice may and is hereby authorized and required, by Warrant or Warrants under 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 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 for the same, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees are hereby empowered to make, 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: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Time than Six Calendar Months.

Treasurers
and other
Officers to
give Security.

XIII. And be it further enacted, That the said Trustees shall and are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, 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 shall think proper.

Proceedings
to be entered
in a Book.

XIV. And be it further enacted, That all Orders and Proceedings of the said Trustees in Execution of the Powers hereby to be 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 when so signed the same 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 Mortgages and Assignments or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

Accounts to
be kept of
Receipts and
Disbursements.

XV. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in
which

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 Road, and of the several Articles, Matters and Things, for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Tolls granted by the said Act, without Fee or Reward; and the said Trustees and Creditors shall or 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 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 not exceeding Five Pounds.

XVI. 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 Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Clerk restrained from acting as Treasurer, and vice versa.

XVII. 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 one or more of the said Trustees, or of their Clerk for the Time being; and that no Action or Suit to be brought or commenced by the Direction, or against the said Trustees by virtue of this Act, in the Name or Names of any one or more of the said Trustees, or of their Clerk, shall abate or be discontinued by the Death or Removal of any such Trustee or Trustees or Clerk, or by the Act of any such Trustee or Trustees or Clerk, without Consent of the said Trustees; but any one or more of the said Trustee or Trustees, or the Clerk for the Time being to the said Trustees, shall be deemed to be Plaintiff or Plaintiffs, or Defendant or Defendants, as the Case may be, in every such Action: Provided always, that every such Trustee or Trustees or Clerk, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully

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

[Local.]

23 O

reimbursed

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 in consequence of any such Action or Proceeding, he or they shall pay, bear, expend, or be put unto or become chargeable with by reason of his or their being made Plaintiff or Plaintiffs, or Defendant or Defendants as aforesaid.

Power to
continue and
erect Toll
Gates, Toll
Houses, &c.

XVIII. And be it further enacted, That the said Trustees, or such other Person or Persons as they shall direct or appoint, shall and may continue or build and erect, or cause to be continued, built, and 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 Road, and across any Lane, Road, or Way leading into or out of the same, and also a Toll House to each Gate or Turnpike; and also shall and may inclose such convenient Gardens, not exceeding One-fourth of an Acre each, to the said Toll Houses, as the said Trustees shall think fit, and may cause any such Toll Gates or Turnpikes and Toll Houses from Time to Time to be taken down, altered, or removed, as they shall judge proper.

Toll Houses,
Turnpikes,
and Mate-
rials, vested
in Trustees.

XIX. And be it further enacted, That the Right, Interest, and Property of all the said Toll Houses, Turnpike Gates, and of all Posts and Rails, and all other Things whatsoever erected or provided by virtue of the said former Acts, or which shall be erected or provided by virtue of this Act, and of the Materials for building the same respectively, and also all the Tools, Implements, Stones, Gravel, and other Materials which shall be got or collected for repairing the said Road, shall be and are hereby vested in the said Trustees, and they shall and may use, sell, or otherwise dispose thereof, in such Manner for the Purposes of this Act, as they shall think fit; and the said Trustees shall and may 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, Turnpike Gates, Posts, or Rails which have been, or shall be built, erected, or provided by virtue of the said former Acts, or this present Act, or any of the Materials herein-before mentioned; in all which Proceedings it shall be sufficient to state generally such Toll Houses, Turnpike Gates, Posts, Rails, Tools, Implements, Stones, Gravel, and other Materials as aforesaid, to be the Property of the Clerk for the Time being, to the said Trustees.

Power to
take Tolls.

XX. And be it further enacted, That the following Tolls shall be demanded and taken by the said Trustees, or by such Person or Persons as they shall from Time to Time appoint for that Purpose, before any Horse, Beast, Cattle, or Carriage upon which any Toll is hereby imposed, shall be permitted to pass through any of the Toll Gates, Turnpikes, or Side Gates, to be continued or erected by virtue of this Act; (that is to say),

For

For every Horse or other Beast drawing any Coach, Chariot, Chaise, Hearse, or other such like Four-wheeled Carriage, the Sum of Four-pence: Tolls.

For every Horse or other Beast of Draught drawing any Chaise, Curricle, Gig, Taxed Cart, or other such Two-wheeled Carriage, the Sum of Four-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, (except Asses going for and returning laden with Coals only), the Sum of Two-pence; and for every such Ass so used in carrying Coals only, and not drawing, the Sum of Three Farthings:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth so flat or level as not to deviate more than One Inch from a flat Surface, the Sum of Four-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches, and rolling a flat or level Surface as aforesaid, the Sum of Six-pence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels of less Breadth or Gauge than Six Inches, the Sum of Eight-pence:

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

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

Which said Tolls, and all other Tolls by this Act imposed, 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 herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or Collectors appointed to receive the same, neglect or refuse to pay the said Tolls, or any of them, or any Part or Parts thereof, it shall be lawful for the said Collectors, or any of them respectively, or any other Person or Persons whom they respectively shall take to their Assistance 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, Bridle, Harness, or Accoutrements thereof respectively, (but no such Bridle shall be seized or distrained without the Horse), or any of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and the Collector or Collectors so distraining shall and may, at his or their Election, either detain and keep the Horse, Cattle, Beast, Carriage, Goods, and

Tolls vested
in Trustees.

For compelling
Payment
of Tolls.

and Chattels, 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 and Chattels, 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.

Abatement
of One-
fourth Toll
in certain
Cases.

XXI. And be it further enacted, That all Waggon, Carts, and other Carriages, having the Wheels of the Width and Description, and the Axletrees fixed as mentioned and set forth in and by an Act passed in the Fifty-fifth Year of His late Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of the carrying extra Weight in certain Cases;* and the several Horses and other Beasts drawing the same shall have and be entitled to the several Privileges and Exemptions given and granted by the said Act.

For settling
Disputes
concerning
Tolls.

XXII. And be it further enacted, That if any Dispute shall happen about any Tolls due or the Charges for keeping any Distress, it shall be lawful for the Collector or Person so distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, till the Quantity of the Tolls or the Charges of Distress and Sale and of keeping the Distress, as the Case may happen, be ascertained by some Justice of the Peace for the said County of *Northumberland*; who, upon Application made to him for that Purpose, shall examine the Matter by the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Quantity of the Toll due, and shall 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 Non-payment thereof forthwith by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Toll Collec-
tors to put
up their
Names.

XXIII. And be it further enacted, That all and every Toll Collector, appointed either by the said Trustees or by any Lessee or Lessees under them to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Three Inches in Length, and of a Breadth in proportion,
and

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 or Persons than he shall be authorized to do by virtue of the Powers of this Act, 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 give a false Name or Names on such Demand, or shall refuse or neglect to give on the Payment of the Toll a Ticket denoting the Payment thereof, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case, every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

XXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Tolls, the Person or Persons appointed to collect the same, or any other Person or Persons acting by and under the Authority of the said Trustees, shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation by reason of such his, her, or their Appointment.

Collectors
declared
competent
Witnesses.

XXV. 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 and repassing with the same Horse, Beast, Cattle, and Carriage, as often as he, she, or they shall have Occasion on the same Day, to be computed from Twelve of the Clock in the 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, and naming and specifying the several Gates freed by such Payment; and the Collectors of the Tolls are hereby required to give the same *gratis* on Receipt of the Toll, if demanded.

Tolls to be
paid but
once a Day.

XXVI. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Three full Tolls to be demanded or taken for the Passage of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates erected or to be

Only Three
full Tolls to
be taken.

[Local.]

23 P 3

erected

erected on the said Road on the same Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night).

Trustees may compound for Tolls.

XXVII. And be it further enacted, That it shall and may be lawful for the said Trustees 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 Townships, Hamlets, Parishes, or Places to or through which the said Road leads, for the passing of their Horses, Cattle, or Carriages through all or any of the Toll Gates or Turnpikes now erected or to be erected on the said Road, or on the Sides thereof respectively, which Composition Money shall be paid Yearly in advance, and in default thereof the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void, and all 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, on giving Twenty-one Days Notice in Writing.

XXVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, after giving Twenty-one Days Notice in Writing, to be affixed on all the Toll Gates or Turnpikes then erected upon the said Road, and advertising the same in one or more of the Newspapers published at *Newcastle-upon-Tyne*, from Time to Time, to lease and demise the Tolls granted by this Act, or any Part or Parts thereof, for any Term of Years not exceeding Three Years at any one Time, for the best Price that can be gotten for the same, payable at such Time and under such Covenants, as the said Trustees 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 shall think fit.

Tolls may be lessened or altered.

XXIX. 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 lessen, vary, or alter all or any of the Tolls hereby granted, at all or any of the Toll Gates or Turnpikes, and to cause the same to be collected in such Manner, Parts, and Proportions as they shall think fit, and to raise the same again, so as they do not exceed the Tolls by this Act granted, and so as every Reduction thereof be made with the Consent of the several Persons who shall then be entitled to Five-sixth Parts of the Money then due on Security of the said Tolls; but no such Reduction shall be made unless Twenty-one Days Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Road, and by inserting such Notice in one or more of the Newspapers published at *Newcastle-upon-Tyne*.

XXX. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or for any Horse or Horses or other Beast or Cattle, or for any Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for making or repairing the said Road, or any of the Roads or Bridges in the Townships or Parishes in which any Part of the said Road doth lie, or with Green Clover for soiling Cattle, Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Out-houses, or Yards, or on the Lands of the Owners or Occupiers thereof; or for any Horse, Beast, or other Cattle, or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, on the same Day, any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Compost, or Manure (except Lime), employed in Husbandry, for manuring or improving Lands; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture or Watering Place, or going to be or returning from being shod or farried, or from any Person or Persons going to or returning from his, her, or their proper Parochial Church or Chapel, or from any Person or Persons going to or from his, her, or their usual Place of Religious Worship on *Sundays*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or going to or returning from attending the Funeral of any Person who shall die and be buried in any of the Parishes in which the said Road doth lie; or from any Clergyman going to visit or returning from visiting any sick Person, or on other his Parochial or Ministerial Duty; 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 or guarding such Mails or Expresses, or in returning back from conveying the same; or for the Horse or Horses of any Officers or Soldiers, or Militia or Local Militia, on their March or on Duty; or for any Horse or Horses, or other Beast, or any Cart, Carriage, or Waggon employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, employed in conveying any Ordnance or Barrack or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning empty from having been so employed; or for any Horse, Mare, or Gelding, furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of

General
Exemptions
from Tolls.

of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements, according to the Regulations of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes; or returning empty after having been only so employed; or for any Horse or Horses, Coaches, or other Carriages going to or returning from any Election of any Knight or Knights of the Shire to serve in Parliament for the County of *Northumberland*, on the Day or Days of such Election, or the Day before or the Day after such Election shall begin or be concluded; and if any Person shall, by any fraudulent or collusive Means whatsoever, claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence, any Sum not exceeding Five Pounds, at the Discretion of the Justice or Justices before whom such Offender shall be convicted, One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Exempting
Carriages
conveying
King's Stores,
&c. from
Penalties for
Overweight.

XXXI. And be it further enacted, That no Person owning or driving or causing to be driven any Waggon, Wain, Cart, or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, or Barrack, or Commissariat, or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart, or other Carriage, or the Horse or Horses drawing the same, while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen, but it shall be lawful for 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.

Penalty on
evading the
Tolls.

XXXII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage pass through any Lands or Grounds, (not being the Owner or Owners or Occupier or Occupiers thereof, or any of his, her, or their Family, or in his, her, or their Employ), lying near any Turnpike or Toll Gate, to be continued or erected by virtue of this Act, (the same not being a public Highway); or if any Owner or Occupier of such Lands, Grounds, or Hereditaments, shall knowingly permit or suffer any Person or Persons (not being his, her, or their Servant, or in his, her, or their Employ) to pass with any Horse, Cattle, Beast, or Carriage whatsoever, through any such Lands or Grounds as aforesaid, for the Purpose of evading the said Tolls, or any of them; or if any Person or Persons shall give to or receive from any Person or Persons any Ticket, or shall forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall

shall or may be avoided; or if any Person or Persons shall forcibly pass through any such Turnpike or Toll Gate, with any Horse or other Beast or Cattle, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or other Cattle, from any Carriage, or shall leave or cause to be left upon or near to any Part of the said Road, or at any House adjoining thereto, any Horse, Beast, or Cattle, with an Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, every Person offending in all or any of the Cases aforesaid, shall, for every Offence, forfeit any Sum not exceeding Five Pounds, whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied for the Purposes of this Act.

XXXIII. 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 such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be 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 on the said Road; for the Space of Two 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 to 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.

Trustees may discharge Collectors misbehaving, and appoint others till next Meeting.

Trustees may recover Possession of Toll Houses and Buildings.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to borrow and take up at Interest, upon the Credit of the Tolls to arise by

Trustees may borrow Money.

[Local.]

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virtue

virtue of this Act, any Sum or Sums of Money they shall think necessary for the Purposes of this Act, and 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, to the Person or Persons who shall lend and advance the same, his, her, or their Trustee or Trustees, (the Costs and Charges of assigning the same to be borne and paid out of the said Tolls) during the Continuance of this Act, as a Security for the Sum or Sums of Money which shall be so lent and advanced, with such 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 way of Mortgage.

‘ BY virtue of an Act made in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*] we whose Names are hereunto subscribed and Seals affixed, being Seven of the Trustees for putting the said Act into Execution, in Consideration of the Sum of
 ‘ in hand, advanced and paid by *A. B.* of
 ‘ to the Treasurer of the said Road, 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 Road, 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 Hands and Seals, this _____ Day of _____ in the Year of our
 ‘ Lord _____

No Money to be borrowed after the 31st of December, 1820, 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 the Thirty-first Day of *December* One thousand eight hundred and twenty, unless Notice be for that Purpose affixed in Writing under the Hand or Hands of any Two or more of the said Trustees, or of the Clerk to the said Trustees, upon all the Toll Gates or Turnpikes which shall then be erected upon the said Road, and also advertised in one or more of the *Newcastle* Newspapers, at least Fourteen Days before the borrowing such Money.

Assignments of Mortgages to be entered.

XXXV. 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 Clerks, Treasurer or Treasurers 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.

XXXVI. And be it further enacted, That all and every Person and Persons to whom any Assignment or Assignments shall have been

been made by virtue of the said former Acts, 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 any of them, shall and may from Time to Time, by any 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, 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 Form, or in any other Words to the like Effect; (that is to say),

‘ I *A. B.* of _____ or [*I, C. D.* of _____] Executor Form of
 ‘ or Administrator of *A. B.* late of _____] in Consideration Transfer.
 ‘ of the Sum of _____ to me paid by *E. F.* of _____
 ‘ do hereby assign and transfer unto the said *E. F.* his Executors,
 ‘ Administrators, and Assigns, a certain Mortgage or Security, bear-
 ‘ ing Date the _____ Day of _____, in the Year of our
 ‘ Lord _____ under the Hands and Seals of
 ‘ of the Trustees for putting into Execution an Act of Parliament
 ‘ passed in the First Year of the Reign of His Majesty King *George*
 ‘ the Fourth, intituled [*here set forth the Title of this Act*] with all my
 ‘ Right and Title to the Principal Sum of _____ thereby
 ‘ secured, and all Interest now due and hereafter to grow due thereon.
 ‘ Dated this _____ Day of _____ in the Year of our
 ‘ Lord _____

Which Transfer shall be produced and notified to the said Clerk and Treasurer or Treasurers, 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 or Treasurers shall be paid the Sum of Six Shillings and Eight-pence, and no more; and such Transfer shall 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 that 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 shall think proper.

XXXVII. And

Allowing an
Action of
Ejectment to
be supported
by one Mort-
gagee.

XXXVII. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by the said Act of the Forty-eighth Year of the Reign of His Majesty King *George* the Third, or any prior Act for amending and repairing the said Road, or to be granted by virtue of this Act, shall seek to obtain Possession of the Toll Gates, Toll Houses, and Buildings erected on the said Road, in order to pay himself, herself, or themselves the Principal Money and Interest, or any Part thereof, due to him, her, or them, it shall be competent for him, her, or them, as Lessor or Lessors of the Plaintiff, and upon his, her, or their Demise only, and without reciting in such Demise the other Mortgagees of the said Tolls and Premises, to obtain such Possession; but such Person or Persons who shall obtain the Possession thereof shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their own exclusive Use and Benefit, but to and for the Use and Benefit of all the Mortgagees of the said Tolls, Toll Gates, Buildings, and Premises, *pari passu*, and in proportion to the several Sums which may be due to them as such Mortgagees.

Application
of the Money.

XXXVIII. 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, the Application whereof is not hereby otherwise directed, 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 to or attending the 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 altering, raising, widening, repairing, and preserving the said Road, and of erecting and making necessary and convenient Bridges and Arches 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 remain due and secured by virtue of and under the said former Acts or any of them, or which shall hereafter from Time to Time be secured in pursuance of this Act; and lastly, in reducing, paying off, and discharging the Principal Sums of Money which have been secured by the said former Acts or any of them, and also such Principal Sums of Money as shall be secured in pursuance of the present Act, in the Manner or Course herein-before directed or mentioned.

For getting
Materials.

XXXIX. 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 Road, out of any Common or Waste, or Common River or Brook (not being within the Distance of Thirty Yards from
any

any Bridge, Dam, Weir, or Jetty), in any Parish, Township, or Place within which the said Road 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 Common or Waste, or Common River or Brook (not being within the like Distance from any Bridge, Dam, Weir, or Jetty), in any neighbouring 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 the digging for or taking away any 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 shall think fit and reasonable; and in case such Materials cannot conveniently be gotten from such Wastes, Commons, Rivers, and Brooks as aforesaid, that then it shall be lawful for such Surveyor or Surveyors, by Order of any Two or more Justices of the Peace of the County in which the Lands shall be situated, to dig for and take away the like Materials out of the private Grounds of any Person or Persons (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House or inclosed Ground, planted, set apart, or used as a Nursery for Trees) where such Materials are and may be found, in any Parish, Township, or Place in which any Part of the said Road 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 Road as aforesaid, paying such Recompence for such Materials, and for the Damage done to the Owners and Occupiers of the respective Grounds where, through, and from whence the same shall be digged and carried away, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching the Payment for such Materials, or the Damages aforesaid, any Two 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 hear, settle, and finally determine the Matter of such Payments and Damages, and award such Costs to be paid by either Party as they shall think fit and expedient.

XL. Provided always, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or other such 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 said Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the respective Owners or Occupiers

Materials not to be taken from inclosed Grounds till after Notice.

[Local.]

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of

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 one or more Justice or Justices of the Peace acting for the County in which such inclosed Lands lie, at a certain Time and Place 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 shew sufficient Cause to the contrary, such Justice or Justices shall, if they or he 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 Justice or Justices shall seem proper; or if such respective Owners or Occupiers shall neglect or refuse to appear by themselves or their respective Agents, such Justice or Justices shall and may make such Order therein as they or he shall think fit, as fully and effectually, to all Intents and Purposes, as if such respective Owners or Occupiers had attended in Manner aforesaid.

Penalty on
taking away
Materials got
by Surveyors.

XXI. And be it further enacted, That if any Person whomsoever shall take or carry away any Materials which shall have been digged, gathered, or wrought for the Purpose of making, completing, or amending the said Road, 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 said Road, 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 for every such Offence a Sum not exceeding Five Pounds.

Surveyors
may remove
Annoyances.

XLII. 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 prevent all Nuisances and Annoyances on any Part or Parts of the said Road, by Timber, Stone, Carriages, Saw Pits, or other Pits, Ashes, Dung, Filth, Rubbish, or otherwise, and to fill up or remove and carry away the same, in case the Person or Persons occasioning such Nuisances or Annoyances shall refuse or neglect so to do for the Space of Three Days, 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 Trustees) shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons occasioning or refusing, or neglecting to remove such Nuisances or 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 Nuisances or Annoyances any Person or Persons shall offend again in the like Manner, every such Person shall, for every such Second or further Offence, forfeit and pay any Sum not exceeding Five Pounds.

XLIII. 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 turn any Watercourses, Gutters, Conduits, or Drains, running into the same 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 Road, or any Part or Parts thereof respectively; and also to cut down or lop, at proper Seasons of the Year, any Branches of Trees or Bushes growing in the Hedges or Fences adjoining thereto, such Tree or Trees not being in any Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or not being an Ornament or Shelter to a House, or not being within Fifteen Feet of the Centre of the said Road (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 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) shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Branches of Trees or Bushes, or to open, scour, cleanse, deepen, and enlarge such Gutters, Ditches, Conduits, or Watercourses as aforesaid, over and above the Sum of Three-pence *per* Rood, for every Rood of Hedge so cut down and scoured, and for every Rood or Watercourse so opened, cleansed, deepened, and enlarged, which Charges and Sums of Money shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered.

Surveyors
may turn Wa-
tercourses,
lop Trees, and
Hedges.

XLIV. And be it further enacted, That it shall be lawful for such Surveyor and Surveyors, and such other Person and Persons as shall be appointed by Order of the said Trustees, to make Causeways in or along the Sides of the said Road; and to cut and make Drains or Watercourses upon and through any Grounds lying contiguous to the said Road, 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 Road, 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 Road, (not having a House or other Building thereon, and not being a Garden, Orchard, Park, planted Walk, or Avenue to any House, or a Nursery for 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 Owners 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

Surveyors
may make
Causeways,
Drains, &c.

tees 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 any one or more Justice or Justices of the Peace for the said County of *Northumberland*, on Ten Days Notice being given by either Party to the other in Writing for that Purpose.

To prevent Injury to Footpaths and Causeways.

XLV. And be it further enacted, That if any Person or Persons shall at any Time hereafter ride or drive any Horse, Mule, or Ass, Beast, or Cattle, or wheel, draw, thrust, or drive any Wheel-barrow, Truck, Dray, Sledge, or other Carriage, or make or cause any Nuisance, Annoyance, or Obstruction upon, or otherwise injure or destroy any Footpath, or Causeway made or to be made on either Side of the said Road, for the Accommodation of Foot Passengers, every Person shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied to the Purposes of this Act.

No Manure, &c. to be laid down between the Fences on each Side of the Road, or within Forty Feet of the Side of the Road, upon any Common Waste.

XLVI. And be it further enacted, That no Dung, Soil, Ashes, Compost, Manure, or Thing, (except Materials to be used in repairing or altering the said Road), shall be unloaded or laid down by the Sides of the said Road, between the Fences or Inclosures on each Side thereof, and within which Fences or Inclosures the said Road doth pass ; and that no Dung, Soil, Ashes, Compost, Manure, or other Thing, except as aforesaid, shall be unloaded or laid down upon any Moor, Common, or Waste adjoining upon the said Road, or any Part thereof, nearer to the Side of the said Road upon which the same shall be laid down than the Distance of Forty Feet, upon Pain that the Owner or Owners, or Driver or Drivers of the Carriage or Carriages from which such Dung, Soil, Ashes, Compost, Manure, or other Thing shall in either Case have been so unloaded or laid down, shall forfeit and pay any Sum not exceeding Twenty Shillings, to be recovered and applied as herein-after is mentioned, save only that the Person or Persons giving Information of any of the said Offences shall be entitled to a Moiety of such Forfeitures.

Penalty on drawing Timber and Stone on the Road, except on wheeled Carriages.

XLVII. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Road, 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 which shall be conveyed upon Wheeled Carriages to drag upon any Part of the said Road to the Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Preventing Nuisances on the Road.

XLVIII. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Turnpike Road ; or if any Person or Persons shall leave or suffer any Horse, Cattle, Sheep, Pig, or Beast to be and remain loose on the said Turnpike Road, or any Part thereof ; or if any Person driving any Pigs or Swine upon the said Turnpike Road, shall suffer them

them to root up or damage the same, or the Fences on either Side thereof; or if any Person driving any Waggon, Cart, or other such like Carriage, shall ride on the Shafts or other Part of such Waggon, Cart, or Carriage, or on any of the Horses drawing the same, upon any Part of the said Turnpike Road; or if any Person driving any Coach, Chaise, or other such like Carriage upon the said Turnpike Road, shall drive the same without holding the Reins; or if any Person driving any Carriage whatsoever, and meeting any other Carriage, shall not keep his Carriage on the Left or Near Side of the said Turnpike Road, and also keep on the same Side himself or herself; or if any Person shall in any other Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Turnpike Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, upon any Part of the said Road, or within Eighty Feet of the Centre thereof; or play at Football or any other Game or Games on any Part of the said Turnpike Road to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Carriage, (except in Cases of Accident and when such Carriage shall be placed as near to the Side of the said Turnpike Road as may be) upon or on the Side of the said Turnpike Road longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person after having blocked any Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Turnpike Road the Stone or other Thing used in such blocking; or if any Person shall scrape off any Soil or other Thing from the said Turnpike Road or the Sides thereof, or shall take up and carry away any Scrapings thereof without Leave of the said Trustees or their Surveyor or Surveyors; or if the Occupier or Occupiers of any open Lands adjoining to the said Turnpike Road or any Part thereof, or any other Person or Persons, shall plough up such Lands to the Extremity thereof, adjoining to the said Turnpike Road in a transverse Direction with the said Turnpike Road, without leaving a sufficient Headland to turn his, her, or their Plough or Ploughs, and the Horses or other Beasts drawing the same thereon, without coming upon the said Turnpike Road or any Part thereof for that Purpose, and which Headland shall afterwards be ploughed only in a Direction parallel with the said Turnpike Road; every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered and applied in Manner herein-after mentioned.

XLIX. And be it further enacted, That the said Trustees shall be and are hereby empowered and required to cause the said Road to be measured, and Mile Stones or Posts to be set up, and from Time to Time renewed on the Sides thereof, 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

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Road to be measured, and Mile Stones or Posts to be set up.

the said Road hereby directed to be repaired, with Inscriptions thereon denoting to what Place or Places such other Roads respectively do lead, as they shall think fit.

To prevent Injury to Mile Stones, Direction Posts, and Parapets of Bridges.

L. And be it further enacted, That if any Person or Persons shall wilfully or wantonly break, pull down, injure, obliterate, or deface any Mile Stone or Post, or Direction Post or Stone, or shall break, damage, or throw down any of the Stones, Bricks, or Wood fixed upon the Parapets or Battlements of any of the Bridges upon the said Road, every Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds over and above the Charges of repairing the Damage done, to be recovered and applied as hereinafter is mentioned, save only that the Person or Persons giving Information of any Offence or Offences herein shall be entitled to One Moiety of such Forfeitures.

Gates to open inwards.

LI. 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 Road, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees to order all such Gates as are now erected, or may hereafter be erected, and open and swing outwards towards the said Road, 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 outwards towards the said Road, shall (after Ten Days Notice from the Surveyor of the said Road, 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, every such Occupier or Occupiers shall for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may widen, turn, or alter the Road.

LII. And be it further enacted, That the said Trustees shall have full Power and Authority from Time to Time to widen the said Road, and to divert, turn, or alter the Course or Direction of any Part or Parts thereof respectively, through or over any Moor or Waste Ground, without making any Satisfaction for the same, and also through or over any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damage they may thereby sustain; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any private Grounds, Tenements, or Hereditaments for the Purchase thereof, or for the Loss and Damage such Owners and Persons interested, or any of them, shall or may anyways sustain by such widening, turning, or altering any Part or Parts of the said Road; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf

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, Tenements, or Hereditaments, to contract and agree with the said Trustees for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them all or any of such Lands, Tenements, or Hereditaments as Occasion shall be and require; and all Contracts, Sales, and Conveyances which shall be so made, shall without any Fine or Fines, Common Recovery or 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; and if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or any other Person or Persons interested in any such Lands, Grounds, Tenements, 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, Grounds, Tenements, or Hereditaments, so to be taken in and added to any Part of the said Road or into which any Part or Parts of such Road are 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 any such Case, the said Trustees shall cause it to be enquired into and ascertained, by and upon the Oath of a Jury of Twelve indifferent Men of the County of *Northumberland* (which Oath any One 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 of such Lands, Grounds, Tenements, or Hereditaments into the said Road, or turning any Part or Parts of such Road into the same Lands, Grounds, Tenements, or Hereditaments; and in order thereto, the said Trustees 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 One or more of the said Trustees are hereby empowered to administer); and they shall also 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 shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such

On Refusal
to sell a
Jury to settle
the Recom-
pence.

Their Verdict to be final.

Sheriffs to summon Juries.

Jury may be challenged.

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

such Damage and Recompence, the said Trustees shall thereupon order and adjudge 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, Tenements, or 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, Tenements, 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 are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Northumberland*, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, 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 One or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes; 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, 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 who shall be summoned and returned on such Jury, and shall not appear, without sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not give his Verdict, or in any other Manner wilfully neglecting 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, having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without sufficient Excuse, or appearing shall refuse to be

sworn

sworn and give Evidence; and from Time to Time to levy and apply such Fine or Fines, in the same Manner as other Penalties, Forfeitures, and Fines are herein-after directed to be levied and applied, so that such Fine shall not exceed the Sum of Twenty Pounds upon any Sheriff or his Deputy, nor the Sum of Five Pounds upon any other Person, for any one Offence.

LIII. 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, to the Parties or Persons respectively entitled thereto, or to their Agents; and upon Payment thereof, or upon depositing the same in the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, or left at his, her, or their last Place or Places of Abode, or with the Tenant of the Lands, Tenements, or Hereditaments so to be agreed for or purchased as aforesaid, such Lands, Tenements, or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be by them, or by such Person or Persons as they 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 Road, and shall be repaired and kept in Repair in such Manner as the same Road hereby appointed to be made and repaired is by this or any other Law to be made and repaired; and after such new Road shall be completed, the Lands constituting such former 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 and shall and may be sold and conveyed by the said Trustees, 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 said Trustees are hereby empowered to give in Exchange any Part or Parts of the Lands constituting the former Road for any Part or Parts of such new Road; and the Sale or Sales, Conveyance or Conveyances, Exchange or Exchanges to be made of such Lands or Grounds, being executed by the said Trustees, and enrolled in the Office of the Clerk of the Peace for the County of *Northumberland*, shall be good and effectual in Law, to all Intents and Purposes whatsoever; but this Act shall not extend to the taking down of any Dwelling House or other Building, or to the taking in of any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Nursery of Trees, without the Consent in Writing of the Owners or Proprietors thereof; any thing herein contained to the contrary notwithstanding.

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

When new Road completed, the former Road not wanted may be sold or exchanged.

Not to extend to the taking down of any Dwelling House, &c.

LIV. Provided always, and be it enacted, That it shall not be lawful for the said Trustees in making, diverting, turning, or altering the Course or Path of any Part of the Road comprised in this Act, to deviate more than One hundred Yards from the present

Not to deviate more than One hundred Yards without Consent.

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Line or Course thereof, without the Consent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any such Diversion or Alteration; any thing herein contained to the contrary thereof in anywise notwithstanding.

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

LV. 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, Tenements, or Hereditaments, or for any such Loss or Damage than what shall have been agreed to and offered by the said Trustees 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 for no more or for less Monies than shall have been agreed to and offered by the said Trustees, 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, Tenements, 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 such Controversy or Dispute, which Costs and Expences having been ascertained and settled by some Two or more Justices of the Peace for the County of *Northumberland*, not being interested in the Matter in question (who 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 on 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: Provided always, that in Cases where any Person or Persons shall by reason of Absence have been prevented from treating, all such Costs and Expences shall be paid by the said Trustees in Manner aforesaid.

Persons absent not to be charged with Expences.

Application of Compensation when equal to 200l.

LVI. 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 Body Politic, Corporate,

Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 there, *ex parte* the said Trustees, 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, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or to the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with 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 or Settlement shall be existing undetermined, or capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High 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 said Lands, Tenements, and Hereditaments so to be purchased under the Authority of this Act, in case such Purchase or Settlement was made.

LVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, 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 such Cases the same shall, at the

Application where the Sum shall be less than 200l. and exceed 20l.

Option

Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-after directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees 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 be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Application where the Money is less than 20l.

LVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application in case of not making out Titles, or where the Party entitled cannot be found.

LIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be so awarded or assessed for any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded or assessed as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the Sum or Sums of Money so awarded or assessed as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered; in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to

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.

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

In case of any Question of Right to the Money paid into the Bank, Persons in Possession presumptively entitled.

LXI. 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 of Chancery, 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, out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such

In case of any Disability of the Persons entitled to Lands, the Court may order reasonable Expences of Purchases to be paid by the Trustees.

[Local.]

23 U

Sums

Sums of Money for such Purposes as the said Court shall direct.

Mines reserved to the Owners of Lands.

LXII. Provided always, and be it further enacted, That all Mines of Lead Ore, Mines, Veins, Beds or Seams of Coal, Ironstone and other Materials whatsoever, which shall be discovered or found in or under any Lands appropriated to the said Roads, shall be, and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seised of or entitled to the same, in case the said Act or this Act had not been made, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same in such Manner as is usual for carrying on Works of that Kind in the District or Place where such Mines, Coal, or other Materials shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the working thereof no Damage shall be done to the said Road, or any Part thereof.

Trustees not to act concerning Purchases where interested.

LXIII. And be it further enacted, That no Person shall act as a Trustee in any Case relating to the contracting for or purchasing of any Lands, Grounds, Tenements, or Hereditaments wherein he shall be interested.

Trustees empowered to sell overplus Grounds, &c.

LXIV. And whereas by reason of the diverting of some Part or Parts of the said Road, the Trustees may happen to be seised of some Piece or Pieces of Ground, over and above what are or shall be necessary for effecting the Purposes of this Act, be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground either together or in Parcels, and either by public or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same shall have been purchased; or where the same shall arise by reason of diverting any Part or Parts of the said Road, then to the Person or Persons whose Lands shall adjoin thereto; and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to or on account of the Prices thereof as herein-after mentioned), or shall refuse (except with respect to or on account of the Prices thereof) to purchase or re-purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before Two of His Majesty's Justices of the Peace for the County in which such Land or Ground shall be situated, (who are hereby empowered and required to take the same), by some Person or Persons no ways interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, such Affidavit

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietor.

oath shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed, with respect to disputed Value of Premises, to be purchased by the said Trustees, in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in Manner herein-before directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to arise by the Sale or Sales of such Pieces or Parcels of Ground, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser, or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Road herein-before directed to be sold.

In case the Parties cannot agree, the Price to be determined by a Jury.

LXV. 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 Road, or make any new Road over and through any private Grounds, the said Trustees 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 Road, and also proper Gates, Bridges, and Arches, where necessary, out of or upon or under the said Road, 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 Six Years from the Time that such Quickset Fences shall have been made or planted.

Trustees to fence the new Roads.

LXVI. And be it further enacted, That where any particular Part or Parts of the said Road, or any Bridges, Arches, Drains, or Sewers, lying in and upon the said Road, 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 County of *Northumberland*, or any Ward, Parish, Town, or Township therein respectively, or otherwise howsoever, all and every such Part and Parts of the said Road, and all such Bridges, Arches, Drains, and Sewers, shall, from Time to Time, be maintained and kept in Repair by such Person or Persons, Bodies Politic and Corporate, County, Wards, Parishes, Towns or Townships, in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act.

Lands liable to the Repair of any Part of the Road, or of any of the Bridges, &c. to continue so.

LXVII. Pro-

Regulations
as to Per-
formance of
Statute
Work.

LXVII. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, and the Inhabitants of all such Parishes, Townships, or Places as have at any Time or Times done Statute Work upon, or contributed towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereto, in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Northumberland*, and they are hereby empowered and required, (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Road doth lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways, for every such Parish, Township, 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, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses) 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 such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in force and effect for the Repair of the Public Highways; and out of such Lists such Justices shall or 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, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days, and at such Times (not being Hay Time or Harvest) and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Persons who by such Lists shall appear to be subject or 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 respective Parishes, Townships, or Places, to be by him or them paid over to the said Trustees, or their Treasurer or Treasurers, at such Time or Times as the said Justices shall direct; and in default of Payment thereof, the same shall or may be recovered

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 to be recovered; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute in force and effect for the Repair of the Public Highways; and if any Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road, all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wholly 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 so offending shall for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

LXVIII. And be it further enacted, That it shall be lawful for the said Trustees 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 Road, or any Part thereof; and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments, of and in all or any of the Parishes, Townships, or Places liable thereto, or in which the said Road doth lie, 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 Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer 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 such Person or Persons, Bodies Politic or Corporate, and the Inhabitants and Occupiers of such Parish, Township, or Place, shall not be permitted to compound for that Year.

Trustees may compound for Repairs or Statute Work.

[Local.]

23 X

LXIX. And

Trustees may contract for Repairs.

LXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to contract and agree with any Person or Persons for the making, altering, and repairing of the said Road, or any Part or Parts thereof, and for making and erecting Arches and Bridges upon the same, and for making Hedges or Fences, 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 annually, or otherwise, or for such Consideration as the said Trustees shall think proper.

Penalty on Persons obstructing the Execution of this Act.

LXX. 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, in the Execution of any Part of this Act, every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

LXXI. And whereas Persons guilty of Offences against this Act may be transient Persons, and unknown to the Collectors, Surveyors, or other Officers acting under this Act, be it therefore enacted, That it shall be lawful for the said Collectors, Surveyors, and other Officers respectively, with such Aid as shall be necessary, to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and forthwith to convey him, her, or them before One or more Justice or Justices of the Peace for the County or Place where such Offence or Offences shall be committed, without any other Warrant or Authority than this Act for so doing.

Penalties and Forfeitures how to be recovered and applied.

LXXII. 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 directed) shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace of the said County of *Northumberland*, either by Confession of the Party or Parties offending, or by the 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 Sale are deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels, and all Penalties, and 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 to their Treasurer or Treasurers 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, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted, to be detained in safe

safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice for his or their Appearance before him, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had thereupon, then 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.

LXXIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justices or Justice 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 may happen), and shall not be obliged to set forth the Evidence at length; (that is to say),

Form of Conviction.

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

LXXIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any thing done in pursuance of this Act, (save and except the Verdict of the Jury with respect to the Value of Messuages, Lands, or Tenements taken or used in turning, altering, widening, or making any Part or Parts of the said Road, and any other Matter or Thing herein before directed to be final), and for which no particular Relief hath been herein-

Allowing an Appeal to the Quarter Sessions.

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 County of *Northumberland*, 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, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Cost 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 to 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.

LXXV. 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 be deemed a Trespasser or Trespassers on account of any Defect or Want of Form, in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relative thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards 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.

Proceeding
not to be
quashed for
Want of
Form nor
removed by
Certiorari.

LXXVI. 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 other 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.

LXXVII. And be it further enacted, That no Inhabitant of any Parish, Township, or Place, in which any Offence may be committed against this Act, shall be deemed or adjudged to be an incompetent Witness by reason or on account of his being an Inhabitant of such Parish, Township, or Place.

Not to reco-
ver if suffi-
cient Tender

LXXVIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or wrongful Proceeding

Proceeding committed in carrying the Trusts of this Act into Execution, or any Matter or Thing concerning or relating to the same, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, 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 Proceeding before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any 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, she, or they 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 Defendants are allowed to pay Money into Court.

of Amends
before Action
brought.

LXXIX. 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 Notice shall be thereof given to the Clerk of the said Trustees, nor after 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 in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, 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 the County 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.

LXXX. 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.

LXXXI. And be it further enacted, That this Act shall commence upon the Twenty-fourth Day of July One thousand eight hundred

Term of the
Act.

[Local.]

23 Y

dred

died and twenty, 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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