



ANNO DECIMO

GEORGII IV. REGIS.

Cap. ix.

An Act for building a Bridge over the River *Tees* at *Whorlton* in the County of *Durham*, and for making a Road from *Staindrop* in the said County to *Whorlton*, and from thence, crossing the said Bridge, to the present Turnpike Road at *Greta Bridge* in the County of *York*, with a Branch from *Whorlton* to the Township of *Barnard Castle* in the said County of *Durham*, and another Branch from the South End of the said Bridge to the Turnpike Road from *Winston Bridge* to *Small Ways*, both in the said County of *York*.
[13th April 1829.]

WHEREAS the building and maintaining of a Bridge over the River *Tees*, at or near the Village of *Whorlton* in the County of *Durham*, to the opposite Side or Bank of the said River in the Parish of *Wycliffe* in the County of *York*, and the opening, making, and maintaining of convenient Roads, Avenues, and Approaches to communicate therewith, will be of great Advantage and Accommodation to the Proprietors and Occupiers of Lands in the Neighbourhood of the said Bridge, and to the Inhabitants of the several
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adjacent Parishes extending over a large Tract of Country on both Sides of the said River, and will facilitate the Communication between the District on the *Yorkshire* Side of the said River and the Collieries in the County of *Durham*, and will in many other Respects be of great public Utility: And whereas the altering, varying, diverting, and widening of the present Township Road leading from the Town of *Staindrop* to the said Village of *Whorlton*, and the present Township Road leading from the intended South Avenue or Approach to the said Bridge to the Turnpike Road at or near *Greta Bridge* in the County of *York*, and the amending, widening, and keeping in repair the present Township Road leading from the said Village of *Whorlton* to the Township of *Barnard Castle* in the said County of *Durham*, and the present Township Road leading from the South Avenue or Approach to the said Bridge to the Turnpike Road leading from *Winston Bridge* to *Small Ways* in the said County of *York*, will also be of great public Utility; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Durham* and for the North Riding of the County of *York* respectively, together with *Henry Allison, William Allison, John Bowes Bowes, Thomas Barker, John Bourne, James Barnes, John Colling, Sheldon Cradock, the Right Honourable William Harry Vane* commonly called *Earl Darlington, Robert Moses Dinsdale, John Davidson Clerk, George Edwards, George Fielding, Joseph Glover, the Honourable Sir John Hulloch Knight, George Peter Hutchinson, Thomas Harrison, Cornelius Harrison, Thomas Emmerson Headlam, Thomas William Hill, Robert Hugginson, George Holburn, John Hawdon, Christopher Lonsdale, Mark Milbanke, Jacob Maude, Thomas Maude, the Honourable William Vane* commonly called *Lord William Powlett, William Luke Prattman, William Luke Prattman the younger, Edward Poole, James Potts Clerk, Thomas Scarth, Thomas Freshfield Scarth, Thomas Stamp, George Silvertop, John Thornhill Clerk, the Honourable Harry Vane* commonly called *Lord Harry Vane, Henry Witham, Henry Witham the younger, Frederic Webb, Thomas Wheldon, and Cuthbert Watson*, being duly qualified in manner directed by several Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, for regulating Turnpike Roads, and their Successors, shall be and they are hereby appointed Trustees for building a Bridge over the River *Tees* at or near the Village of *Whorlton* in the County of *Durham*, and for making, amending, widening, and keeping in repair a Carriage Road from the Town of *Staindrop* in the said County, to and through the said Village of *Whorlton*, and from thence, crossing the said Bridge, to the present Turnpike Road at or near *Greta Bridge* in the County of *York*, with a Branch of the said Road from the said Village of *Whorlton* to the Township of *Barnard Castle* in the said County of *Durham*, and another Branch of the said Road from the South End of the said Bridge to the Turnpike Road leading from *Winston Bridge* to *Small Ways*, both in the said County of *York*, and for carrying into

Trustees
Names.

execution this Act, and the Powers and Provisions of several Acts or the Third, Fourth, Seventh and Eighth, and Ninth Years of the Reign of His present Majesty, for regulating Turnpike Roads in *England*.

II. And be it further enacted, That the said Trustees shall meet at the House of *James Smith*, known by the Sign of the *Three Horse Shoes*, or at some other convenient Place in the said Village of *Whorlton*, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Morning and Two in the Afternoon, and shall then and there proceed to put this Act into execution.

First Meeting of Trustees.

III. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, (of which Meeting, and of the Purposes thereof, Fourteen Days Notice shall be given, as is directed by an Act of the Third Year of the Reign of His present Majesty for regulating Turnpike Roads, respecting the Appointment of Trustees on Vacancies,) to elect, nominate, and appoint any Number of fit Persons, duly qualified as aforesaid, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed in and by this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees and their Successors, and they are hereby authorized, to build and erect a good substantial Bridge, with Abutments, made of Stone, Iron, Brick, or other durable Materials, at or near the said Village of *Whorlton*, over the said River *Tees*, from the Side or Bank of the said River in the Township of *Whorlton* in the said County of *Durham* to the opposite Side or Bank of the said River in the Parish of *Wycliffe* in the said County of *York*; and for the Purposes aforesaid from Time to Time to dig and make proper Foundations in the said River, and on the Lands on each Side thereof, and make Dams in the said River, and cut and level and embank and secure the Banks thereof, and cut, remove, take, and carry away all Trees, Roots of Trees, Beds of Gravel, Sand, or any other Impediment whatsoever, and do and execute all and every other Thing or Things necessary or convenient for building the said Bridge; and to make a proper and convenient Carriage and Foot Way over the said Bridge; and to open, make, and maintain proper and convenient Roads, Avenues, and Approaches to communicate therewith on each Side of the said River; (that is to say,) a Road, Avenue, or Approach to the said Bridge from the Township Road at the South End of the said Village of *Whorlton*; and another Road, Avenue, or Approach to the said Bridge from the said Township Road leading to the present Turnpike Road from *Winston Bridge* to *Small Ways* in the County of *York*; and also a Road or Highway from the said Town of *Staindrop*, to and through the said Village of *Whorlton*, communicating with the North Avenue or Approach to the said Bridge; and also a Road or Highway from the South Avenue or Approach to the said

Power to build Bridge, &c.

said Bridge to the Turnpike Road at or near *Greta Bridge* in the said County of *York*; and for those Purposes to alter, vary, divert, widen, maintain, and put into repair the present Township Road leading from the said Town of *Staindrop* to and through the said Village of *Whorlton*, and the present Township Road leading from the said South Avenue to the said Turnpike Road at or near *Greta Bridge*, and a Branch of the said Road or Highway to commence at the said Village of *Whorlton* and to extend to the Township of *Barnard Castle*; and for that Purpose to alter, vary, divert, widen, maintain, and put into repair the present Township Road leading from the said Village of *Whorlton* to the said Township of *Barnard Castle*, and another Branch of the said Road or Highway to commence from the said South Avenue of the said Bridge and to extend to the said Turnpike Road leading from *Winston Bridge* to *Small Ways*; and for that Purpose to alter, vary, divert, widen, maintain, and put into repair the present Township Road leading from the said intended South Avenue to the said Turnpike Road from *Winston Bridge* to *Small Ways*, or such Part or Parts of the said Township Roads respectively as the said Trustees shall think fit or expedient, for the Passage of Travellers, Cattle, and Carriages, doing as little Damage as may be, and making Compensation therefore, and for the Land taken for the Purposes aforesaid, in manner directed by any Law or Laws in force and effect for regulating Turnpike Roads in *England*.

Plan, &c. deposited at the Offices of the Clerks of the Peace to remain there, and be open to Inspection.

Trustees not to deviate from Plan.

Trustees to make the Roads conformably to Plan, &c. notwithstanding Errors.

V. And whereas Maps or Plans describing the Line of the said intended Bridge and Road, and the Lands through which the same are to be made and carried, together with a List of the Names and Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the County of *Durham* and for the North Riding of the County of *York*; be it therefore enacted, That the said Maps or Plans and Lists shall remain in the Custody of the said Clerks of the Peace, to the end that all Persons may at any reasonable Time have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the said Clerks of the Peace for the Time being Sixpence for every One hundred Words; and the said Trustees in making or causing the said new Roads shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans.

VI. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Bridge and Road into, through, across, or over the several Lands, Tenements, and Hereditaments of any Person or Persons who is or are or may be Owner or Owners or Occupier or Occupiers of Lands, Tenements, and Hereditaments over which the same is set out and described in the said Maps or Plans as aforesaid, although such Lands, Tenements, and Hereditaments, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Maps or Plans or Lists, in case it shall appear to any Two or more Justices of the Peace for the said Counties of *Durham* or *York* respectively, and be certified under their Hands, that such Error or Omission proceeded from Mistake.

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VII. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Trustees, in making the said Bridge or Road, to take or pull down, injure or damage, any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Houses not to be injured without Consent.

VIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and for all such Persons as he or they shall appoint, to search for, dig, gather, take, and carry away any Materials for building the said Bridge, or repairing or rebuilding the same, out of any common River or Brook, and to haul and carry away any such Materials, when got, over any Common or Waste Lands, without paying any thing for such Materials, and without being deemed a Trespasser, the said Surveyor or Surveyors, or other Person or Persons, filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, and such Damages to be ascertained as hereinafter mentioned ; and also that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take, and carry away any such Materials, in or out of the Land of any Person or Persons where the same may be had or found, not being a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees, making or tendering such Satisfaction for such Materials, and for the Damage to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable ; and also carry through or over, and place, prepare, work, and use upon any inclosed Lands or Grounds, (not being a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) or through or over or upon any open Land or Common, any Stone or other Materials for building the said Bridge, or for building or repairing any Toll House or Toll Houses on or by the Sides thereof, or on or by the Sides of the said Roads so directed to be made, widened, and kept in repair as aforesaid, paying or tendering for the Damage done in going through or over any inclosed Lands or Grounds for or with such Materials, or in placing, preparing, or using the same thereupon, such Sum or Sums of Money as the said Trustees shall judge reasonable ; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners or Occupiers of such Lands, or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County or Riding wherein the Place from whence such Materials shall have

Power to get Materials from any River or Brook, or from any Common or Waste Lands, without Expence, filling up the Pits, &c.

or from the Lands of any Person, not being Garden Ground, &c. on tendering Satisfaction for Damages ;

and Materials may be carried through any inclosed or open Lands, on tendering Damages ;

and Difference as to Damages may be settled by Two Justices.

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been taken shall be situate, on Ten Days Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs, attending the hearing and determining the same.

Notice to be given before Materials are taken from private Lands.

IX. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making the said Bridge, or for other such Purpose or Purposes as aforesaid, out of or from any inclosed Land or Ground, until such Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty, or Place where the Lands from whence such Materials are intended to be taken shall lie, to shew cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

If Pits or Holes are made in getting Materials, Surveyor shall cause them to be filled up or fenced off.

Penalty for Neglect.

X. And be it further enacted, That if any such Surveyor as aforesaid, or any Person employed by him, shall, by reason of the searching for, digging, or getting any Stones, Sand, Chalk, Clay, or other Materials for building the said Bridge, make or cause to be made any Pit or Hole in any Common or other Lands or Grounds, Rivers or Brooks as aforesaid, wherein such Materials shall be found, the said Surveyor shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired during such Time as the said Pit or Hole shall continue open, and shall within Three Days after such Pit or Hole shall be opened or made, where no Stones, Sand, or Materials shall be found, cause the same forthwith to be filled up, levelled, and covered with the Turf or Clod which was dug out of the same; and where any such Materials shall be found, within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, the said Surveyor shall secure the same by Posts and Rails or other Fences, to prevent Accidents to Persons or Cattle; and in case such Surveyor shall neglect to fill up, slope down, or fence off such Pit or Hole, in manner and within the Time aforesaid, he or they shall forfeit the Sum of Twenty Shillings for every such Default; and in case such Surveyor shall neglect to fence off such Pit or Hole, or to slope down the same, as hereinbefore directed, for the

the Space of Six Days after he or they shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such Ground, River, or Brook, or any Person having Right of Common within such Common or Waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before One or more of the said Justices of the Peace, such Surveyor shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings for every such Neglect, to be determined and adjudged by such Justice or Justices, and to be laid out and applied in the fencing off, filling up, or sloping down such Pit or Hole, in such Manner as the said Justice or Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are directed to be levied by the several Acts for regulating Turnpike Roads in *England*.

XI. And be it further enacted, That if any Person shall take away any Materials which shall have been gotten, dug, or gathered for the Building of the said Bridge, or any Materials out of any Quarry which shall have been made, dug, or opened for the Purpose of getting Materials for the said Bridge, before the Surveyor of such Road, and the Workmen employed for getting such Materials, shall have discontinued working therein for the Space of Six Weeks, (except the Owner or Occupier of any private Grounds, and Persons authorized by such Owner or Occupier to get Materials in such Quarry, for his own private Use, and not for Sale,) every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for taking away Materials before Surveyor has discontinued digging for them, &c.

XII. And whereas the making of the said proposed Road across a certain Field belonging to *Anne Longstaff* Widow, and numbered 59 on the Plan referred to by this Act, will divide the said Field into Two separate Parts, and that Part thereof lying on the Western Side of the said proposed Road will in consequence of such Division be deprived of the Supply of Water from the Spring and Well situate at the Eastern Extremity of the said Field, and by means of which Spring and Well the whole Field has been hitherto supplied; be it therefore enacted, That the said Trustees shall and they are hereby required, within Three Calendar Months from the Commencement of this Act, to make and construct a proper and efficient Well and Pump on the Western Part of the said Field, for the Supply of the Cattle there with sufficient Water.

Trustees to secure Supply of Water to Mrs. Longstaff's Field.

XIII. And be it further enacted, That the respective Tolls following shall be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate or Side Bar, as shall be erected upon or across the said Bridge, or the Avenues or Approaches thereto, or upon, across, and by the Side of the Roads by this Act directed to be made, amended, and kept in repair, by each and every such Person and Persons as the said Trustees or their Successors shall from Time to Time by virtue of this Act appoint to receive the same; (that is to say,)

Power to take Tolls.

For every Horse or other Beast of Draught drawing any Coach, Landau, Berlin, Barouche, Sociable, Chariot, Calash, Curricule, Horse-Break,

Tolls.

- Break, Chaise, Gig, Chair, Car, Caravan, Van, or other such Carriage, when the same shall be drawn by Six or more Horses or other Beasts, the Sum of Sixpence; and drawn by Four or Three Horses or other Beasts, the Sum of Eight-pence; and drawn by Two or One Horse or Beast, the Sum of Ten-pence:
- For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches or more at the Bottoms or Soles thereof, the Sum of Sixpence:
- For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof of the Breadth or Gauge of Four and a Half Inches and less than Six Inches at the Bottoms or Soles thereof, the Sum of Eight-pence:
- For every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, having the Fellies of the Wheels thereof of less Breadth or Gauge than Four and a Half Inches from Side to Side at the Bottom or Soles thereof, the Sum of Ten-pence:
- For every Horse or other Beast of Draught, laden or unladen, and not drawing, the Sum of Four-pence:
- For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence *per* Score, and in that Proportion for any greater or less Number:
- For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Nine-pence *per* Score, and in that Proportion for any greater or less Number:
- And for every Foot Passenger or Person on Foot (except the Person or Persons, not exceeding Two in Number, actually driving and accompanying any Waggon, Wain, Cart, or other Carriage,) who shall pass over the said Bridge, the Sum of One Penny:
- And for every Person who shall ride in or upon any Waggon or Wain, or any Cart or other such like Carriage (not being a Cart or Carriage usually employed for the Conveyance of Passengers for Hire), or who shall ride upon any Horse or Beast drawing any such Cart or other such like Carriage, the Sum of One Penny:
- Such respective Tolls to be paid before any such Person, or any such Horse, Mule, Ass, Cattle, or Beast, or any such Carriage as aforesaid, shall be entitled to pass through such Turnpike or Toll Gate; and which said Tolls shall be and the same are hereby vested in the said Trustees for the Purposes of this Act.

Tolls to be paid only Once a Day for passing and re-passing.

XIV. And be it further enacted, That no Horse, Beast, Cattle, or Carriage, passing through any of the said Turnpikes, Toll Gates, or Side Gates, and for which the Toll hereby granted shall have been paid, shall be subject or liable to any Toll for re-passing on the same Day before Twelve of the Clock at Night, provided that a Ticket be produced denoting the Payment of such Toll, which Ticket shall be delivered *gratis* by the Collector to whom such Toll shall have been paid.

No more than One Toll on the whole Line of Road.

XV. Provided also, and be it further enacted, That no more than One Toll shall be demanded and taken (except in the Cases hereinafter mentioned) for any Horse or other Beast of Draught, or for any Cattle, for passing on the same Day throughout the whole Line

Line of the said Roads by this Act directed to be made, amended, and kept in repair.

XVI. Provided always, and be it further enacted, That only One Toll shall be demanded and taken for every Foot Passenger for each Time of passing and repassing the said Bridge; and if any Foot Passenger shall, after Demand thereof made by any Collector of the said Tolls, neglect or refuse to pay the same, it shall be lawful for such Collector to stop and prevent the Passage of any such Person until full Payment thereof.

Toll on Foot Passengers.

XVII. Provided always, and be it further enacted, That no Horse or Horses or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpikes, Toll Gates, or Side Gates, drawing any other or different Waggon, Wain, Cart, or other Carriage, shall be permitted to repass Toll-free through the same Turnpikes, Toll Gates, or Side Gates the same Day; any thing herein contained to the contrary notwithstanding.

Horses, &c. drawing different Carriage to pay each Time of passing.

XVIII. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Chaise, Van, Caravan, Cart, Chair, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing along the said Road.

Stage Coaches to pay each Time of passing.

XIX. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught travelling for Hire, drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Roads on the same Day with a Ticket denoting a fresh Hiring.

Post Chaises on every fresh Hiring.

XX. 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 thereof, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes, and in Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in defraying the Expences of building the said Bridge, and making the Avenues and Approaches thereto, and of erecting Turnpikes, Toll Gates, Side Gates, and Toll Houses, with suitable Outbuildings, upon, across, and by the Side of the said Bridge and Roads; thirdly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls or Duties payable on the Roads by this Act directed to be made and kept in repair; fourthly, in making, amending, altering, raising, widening, repairing, and keeping in repair the said Roads, and of building Bridges, Tunnels, Arches, and other Erections where the said Roads are or may

Application of Tolls and Money borrowed.

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be annoyed by Water, and for keeping the same, and also the same Turnpikes, Toll Gates, Side Gates, Toll Houses, and Outbuildings, in repair, and in executing the other Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which shall have been borrowed or which may be hereafter borrowed and secured by virtue of this Act.

No Priority
of Mort-
gages.

XXI. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have advanced, or who shall hereafter advance, any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money; but that all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees, shall, in proportion to the Sum or Sums therein mentioned, be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority.

Public Act.

XXII. 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.

Commence-
ment and
Continuance
of this Act.

XXIII. And be it further enacted, That this Act shall commence upon the Second *Monday* after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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