

The Thorough Toll or Great Toll, for or in respect of Goods, Wares, and Merchandizes, not the Property of a Burgess of the said Town, brought into and carried out of the said Town of *Newcastle-upon-Tyne*: And whereas of late Years the Collection of the said Tolls, Dues, and Duties has been attended with considerable Difficulties, which have been productive of expensive Contests and Litigation, and prevented the said Mayor and Burgesses from deriving the full Benefit of the same Tolls, Dues, and Duties, to the Interruption of the Peace and Harmony of the said Town, and to the great Detriment and Injury of the said Mayor and Burgesses, who have notwithstanding continued to sustain the public Burthens aforesaid, by means whereof the said Town has been greatly benefited and improved; and it is therefore expedient that Provisions and Regulations should be made for the more easy and effectual Collection and Recovery of the said Tolls, Dues, and Duties; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the said Mayor and Burgesses of the said Town of *Newcastle-upon-Tyne*, and their Successors, and their Lessee or Lessees, Tenant or Tenants of the said Tolls, Dues, and Duties, by themselves, or their Servants, Collectors, or Agents, to demand and take, or cause to be demanded and taken, of and from all and every Person and Persons who shall bring or convey into or out of the said Town of *Newcastle-upon-Tyne*, by or through any of the Avenues or Passages now leading or which shall hereafter lead into or out of the said Town, any Goods, Wares, or Merchandizes liable to the said Tolls, Dues, and Duties (not being *bonâ fide* the sole Property of a Burgess or Burgesses of the said Town), such Tolls, Dues, and Duties as the said Mayor and Burgesses are now by Law entitled to receive in respect of the said Toll called *The Thorough Toll or Great Toll*.

The accustomed Tolls to be taken.

Penalty on fraudulent Representations of Goods tollable, being the Property of Burgesses.

II. And be it further enacted, That if any Person or Persons who shall convey or cause to be conveyed into or out of the said Town any Goods, Wares, or Merchandizes in respect of which, or any Part thereof, the said Tolls, Dues, and Duties, or any of them, shall be payable, shall falsely represent or cause the same or any separate Part thereof to be represented to be the sole Property of a Burgess or Burgesses of the said Town, or shall fraudulently evade or attempt to evade Payment of the Tolls, Dues, and Duties payable in respect of such Goods, Wares, and Merchandizes, or any Part thereof, under Colour or false Pretence of the same Goods, Wares, and Merchandizes, or any separate Part thereof, being the sole Property of a Burgess or Burgesses of the said Town, (the same not being *bonâ fide* the sole Property of a Burgess or Burgesses of the said Town,) then the Person or Persons guilty of such Misrepresentation, Evasion, or false Pretence shall for every such Offence forfeit and pay to such Person as shall make Information of the same the Sum of Twenty Shillings, for the Use of the Poor of the Parish or Parochial Chapelry within which such Offence shall be committed; and it shall be lawful for any Justice or Justices of the Peace for the said Town and County, by Warrant under his or their Hand or Hands, on Proof of such

such Offence, either by the Confession of the Offender or by the Oath of One or more credible Witness or Witnesses (notwithstanding that such Witness or Witnesses shall be a Burgess or Burgesses of the said Town, or an Inhabitant or Inhabitants of the same Parish or Parochial Chapelry,) to levy the Penalties hereby imposed by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, after deducting the Charges of such Distress and Sale, to the Owner or Owners, on Demand; and if such Offender shall live out of the Jurisdiction of the Justice or Justices hereby authorized to grant such Warrant, it shall be lawful for any Justice of the Peace of the Limits wherein such Person shall inhabit, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby such Forfeiture or Penalty was incurred produced, and proved by a credible Witness upon Oath, by Warrant under his Hand, to cause the Penalty or Forfeiture mentioned in such Conviction to be levied by Distress and Sale of the Goods and Chattels of such Offender.

III. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Mayor and Burgesses, and their Successors, and their Tenant or Tenants, Lessee or Lessees of the said Tolls, Dues, and Duties, or any Person or Persons by him or them, or any or either of them, authorized so to do, to erect, set up, and maintain, at all and every or any of the Avenues or Entrances now leading or which shall hereafter lead into or out of the said Town of *Newcastle-upon-Tyne* at which the said Tolls, Dues, and Duties, or any of them, shall be demandable, any convenient and proper Toll House or Building, with suitable Conveniences for the Accommodation of any Person or Persons to be employed in the Collection of the said Tolls, Dues, and Duties.

Toll Houses
may be
erected.

IV. And be it further enacted, That every Collector appointed by the said Mayor and Burgesses, or their Successors, or their Lessee or Lessees, Tenant or Tenants of the said Tolls, Dues, and Duties, to collect and receive the same, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of each such Toll House immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Length and of a proportionate Breadth, 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, Dues, and Duties shall not place such Board as aforesaid, and keep the same there during the whole Time aforesaid, or shall refuse to permit or suffer to be read or shall in anywise hinder any Person or Persons from reading such Christian and Surname, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid any such Tolls, Dues, or Duties, or shall give a false Name or Names, then and in every such Case every such Collector shall forfeit and pay to such Person as shall make Information of the same, for the Use of the Poor of the Parish or Parochial Chapelry within which such Offence shall be committed, any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and every such Information shall be laid before a Justice or Justices of the

Toll Collec-
tors Names
to be put up.

the Peace for the County of *Northumberland* or for the County of *Durham*, at the Discretion of such Informer; and such Penalties shall be levied and recovered in like Manner and by the same Ways and Means as the Penalty of Twenty Shillings herein-before imposed on Persons fraudulently evading or attempting to evade any of the said Tolls, Dues, and Duties is herein-before directed to be levied and recovered.

Recovery of
Tolls.

V. And be it further enacted, That from and after the passing of this Act, if any Person or Persons who shall bring or convey into or out of the said Town of *Newcastle-upon-Tyne* any Goods, Wares, and Merchandizes liable to such Tolls, Dues, and Duties shall neglect or refuse to pay the said Tolls, Dues, and Duties to become due or payable for or in respect of the same Goods, Wares, and Merchandizes, it shall be lawful for the said Mayor and Burgesses, and their Successors, and their Lessee or Lessees, Tenant or Tenants, or any or either of them, or any other Person or Persons by him, them, or any or either of them duly authorized so to do, to levy and recover such Tolls, Dues, and Duties by Distress and Sale of a sufficient Part of the same Goods, Wares, and Merchandizes, returning the Overplus (if any) which shall remain after Payment of the said Tolls, Dues, and Duties, and the reasonable Costs, Charges, and Expences of such Distress and Sale, to the same Person or Persons, or to the Owner or Owners of the said Goods, Wares, and Merchandizes, on Demand thereof by such Person or Persons, Owner or Owners.

Justices to
settle Dis-
putes and
award Costs.

VI. And be it further enacted, That if any Dispute shall happen about the Charges of any such Distress and Sale, such Dispute shall be settled and determined by any Justice of the Peace, either for the County of *Northumberland* or for the County of *Durham*, acting as such near to the said Town of *Newcastle-upon-Tyne*, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of any Witness or Witnesses, and determine such Dispute, and shall make such Order and award such Costs and Charges to either Party as to the said Justice shall appear right and proper, all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay such Tolls, Dues, or Duties, rendering the Overplus, after deducting the Costs and Charges of such last-mentioned Distress and Sale (if any), on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Act not to ex-
tend to Port
Dues, Quay
Dues, &c.;

VII. Provided always, and be it further enacted, That nothing in this Act contained shall in anywise extend or be construed to extend to vary, lessen, diminish, or affect the Right and Title of the said Mayor and Burgesses, or their Successors, or their Tenant or Tenants, Lessee or Lessees, or any other Person or Persons claiming under them, to any Tolls, Dues, Duties, or Customs payable in respect of Goods, Wares, and Merchandizes brought into or out of the said Town by Water, or to any Dues, Duties, or Customs for or in respect of Goods, Wares, and Merchandizes imported or exported by Water at or from the Port of *Newcastle-upon-Tyne* aforesaid, or to any Quay Dues or other Dues for or in respect of Goods, Wares, and Merchandizes landed or unloaded at the
said

said Port, either at the Great Quay there, or elsewhere within the Limits of the said Port, or to any Ballast Dues or other Dues for or in respect of Ballast cast or delivered from any Ship or Ships or other Craft at any Quays or Wharfs within the Limits of the said Port, or to any Stallage, Piccage, Weighage, Metage, or other Liberties, Customs, Profits, Advantages, or Emoluments whatsoever to the said Mayor and Burgesses belonging or appertaining.

VIII. Provided always, and it is hereby further enacted, That nothing in this Act contained shall hinder or prevent or be construed to hinder or prevent the said Mayor and Burgesses, or their Successors, or their Lessee or Lessees, Tenant or Tenants of the said Tolls, Dues, and Duties, or any or either of them, from suing for and recovering in any of His Majesty's Courts of Record at *Westminster* any Sum or Sums of Money whatsoever which after the passing of this Act shall become due or payable to him or them, or any or either of them, as or for or in respect of any of the said Tolls, Dues, and Duties, nor to abridge, prejudice, or affect any other Rights or Remedies which at the Time of the passing of this Act were existing or in force for the Recovery of the said Tolls, Dues, and Duties or any of them; and provided also, that nothing herein contained shall extend or be construed to extend to confirm or affect the Right of the said Mayor and Burgesses to the said Tolls, Dues, and Duties, or to prevent any Person or Persons from disputing the Right of the said Mayor and Burgesses to demand and receive the said Tolls, Dues, and Duties, or any of them or any Part thereof, in as full and ample a Manner, either in Law or in Equity, as might have been done before the passing of this Act.

Nor to affect existing Remedies for Recovery of the Tolls, or Right of disputing the same.

IX. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money, Penalty or Penalties to be levied by virtue of this Act, such Distress 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 any of the Proceedings relating thereto, nor shall the Party or Parties making the same 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 shall and may recover full Satisfaction for the special Damage only in an Action on the Case.

Distress not unlawful for Want of Form.

X. And be it further enacted, That it shall and may be lawful for any Person or Persons convicted by any Magistrate of any Offence or Offences against this Act to appeal to the Justices of the Peace at the then next or following General Quarter Sessions of the Peace to be holden in and for the County or Place where the Cause of Appeal shall arise next after the Matter of such Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Fourteen Days Notice to the other Party at the least, in Writing, of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the said Quarter Sessions; and the said Justices at their said Sessions, upon due Proof of such Notice

General Appeal.

[*Local.*]

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having

having been given, and of the entering into such Recognizance, shall hear and finally determine such Appeal in a summary Way, and if they see Cause may, by Order of such Session, mitigate at their Discretion all or any of the said Penalties, or quash or annul any Conviction or Convictions, Orders, or other Proceedings of any Justice or Justices of the Peace, or otherwise may ratify and confirm the same, and award such Costs to either of the Parties, or otherwise, as they may think proper, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and the Determination of the said Justices shall be binding and conclusive upon all Parties to all Intents and Purposes.

Appeal
where Cause
shall arise in
Newcastle.

XI. Provided always, and it is hereby further enacted, That notwithstanding any thing herein-before enacted or contained, where any Cause of such Appeal or Appeals shall arise within the said Town and County of *Newcastle-upon-Tyne*, the Appeal or Appeals to be brought or intended to be brought thereon shall be brought before the Justices of the Peace for the County of *Northumberland* or the Justices of the Peace for the County of *Durham*, at their then next or following respective Quarter Sessions of the Peace to be holden next after the Matter of such Complaint shall have arisen, at the Option of the Appellant or Appellants, and not before the Justices of the Peace for the said Town and County of *Newcastle-upon-Tyne*, such Appellant or Appellants giving such Notice, and making such Proof thereof, and entering into such Recognizance, as herein-before is required; and the Justices of the Peace for the said County or Counties in which such Appeal or Appeals shall be so brought or intended to be brought shall have, use, and exercise, as well in as out of Sessions, the same Powers and Authorities with respect to such Appeal or Appeals and Recognizances respectively as they might have had, used, and exercised had the Cause or Causes of such Appeal or Appeals arisen within such Counties respectively.

Plaintiff not
to recover
after Tender
of sufficient
Amends.

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

Limitation
of Actions.

XIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of this Act, or of any of the Powers hereby given, until Twenty-one Days Notice shall have been thereof given in Writing to the Defendant or Defendants, signed by the Attorney for the Plaintiff or Plaintiffs, signifying the Cause of such Action, or after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, or his, her, or their Attorney, by or on the Behalf

of the Defendant or Defendants, or after Six Calendar Months next after the Cause of such Action shall have arisen; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, except in the said Town and County of *Newcastle-upon-Tyne*, in which Case such Action shall be brought and tried in the said County of *Northumberland*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or shall 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 Costs of Suit, and have such Remedy for the same as any Defendant or Defendants have or hath for Costs of Suit in other Cases of Law.

XIV. 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.

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