



ANNO PRIMO & SECUNDO

# GEORGII IV. REGIS.

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## *Cap. lxxxiv.*

An Act for repairing the Road from *Alemouth* through *Alnwick* and *Rothbury* to *Hexham*, and a Branch from the said Road between *Alnwick* and *Rothbury* to *Jockey's Dike Bridge*, all in the County of *Northumberland*. [28th May 1821.]

**W**HEREAS an Act was passed in the Fortieth Year of the Reign of His late Majesty King *George* the Third, intitled, *An Act for more effectually repairing the Road from Alemouth through Alnwick and Rothbury to Hexham, and a Branch from the said Road between Alnwick and Rothbury to Jockey's Dike Bridge, all in the County of Northumberland*, which said Act is near expiring: And whereas considerable Sums of Money have been borrowed upon the Credit of the Tolls authorized to be collected upon the said Roads, which still remain due and cannot be paid, nor can the said Roads 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and the said Roads would be more effectually improved and repaired, if the Powers and Provisions therein contained were repealed, and other and further Powers granted instead thereof: may it therefore please your Majesty, That it may be enacted, and be it enacted by the King's most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 Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act, the said recited Act shall be, and the same is hereby repealed, and from thenceforth this Act shall

39 & 40 G.3. c.20.  
Act re-pealed.  
[Local.] 29 K shall



shall commence and take effect, and shall be put in Execution for and during the Term hereinafter mentioned, for the Purpose of amending, widening, improving, maintaining and keeping in Repair the said Road from *Alemouth* through *Alnwick* and *Rothbury* to *Hexham*, and the Branch thereof between *Alnwick* and *Rothbury* to *Jockey's Dike Bridge*, all in the County of *Northumberland*, and for the several other Purposes herein mentioned; and this Act and the Tolls herein 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 Roads, 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 all His Majesty's Justices of the Peace acting in and for the County of *Northumberland*, *Robert Lancelot Allgood*, *Adam Askew*, *George Adam Askew*, *John Murray Aynsley*, *Thomas Annett*, *John Askew Clerk*, *Cuthbert Allen Clerk*, *Thomas Al-lason Clerk*, *Nicholas Appleby*, *Adam Atkinson*, *Adam Atkinson the Younger*, *Ralph Atkinson*, *George Atkinson*, *Christopher Atkinson*, *James Allgood Clerk*, *Richard Craster Askew*, *Sir Francis Blake Baronet*, *Sir Edward Blackett Baronet*, *Thomas Richard Beaumont*, *Thomas Wentworth Beaumont*, *William Beaumont*, *Charles John Brandling*, *Calverley Bewicke Bewicke*, *Charles Bacon*, *John William Bacon*, *Rowland Burdon*, *William Burrell*, *Bryan Burrell*, *William Palfrey Burrell*, *John Palfrey Burrell*, *George Baker*, *Addison John Cresswell Baker*, *Matthew Bell*, *Robert Briggs*, *Charles William Bigge*, *Charles John Bigge*, *Thomas Hanway Bigge*, *Christopher Blackett*, *Christopher Blackett the Younger*, *William Bailey*, *Henry Boag*, *John Boag*, *William Bainbridge*, *Joseph Bainbridge*, *Joseph Bainbridge the Younger*, *George Bainbridge*, *William Sadlier Bruere*, *John Brumell*, *Dixon Brown*, *John Moore Bates*, *Thomas Bates*, *William Bates*, *John Bell*, *Michael Bell*, *John Barras*, the Right Honourable *John Baron Decies*, *James Grieve Burn*, *Thomas Bullock*, *Thomas Buston*, *Nicholas Burnett*, *Ralph Bates*, *Sir Thomas John Clavering Baronet*, *Charles John Clavering*, *John Clavering*, *John Blenkinsop Coulson*, *Edward Coulson*, *Edward Charlton of Reedsmouth*, *Edward Charlton of Hexham*, *William John Charlton*, *William Cowell*, *Robert Charlton*, *Nathaniel Clayton*, *Nathaniel Clayton the Younger*, *John Clayton*, *Robert Clark Costwell Clerk*, *Mark William Carr*, *William Carr*, *William Cuthbert*, *John Carr of Alnwick*, *John Carr of Ditchburn*, *Richard Curr*, *Thomas Clennell*, *Joseph Cook Clerk*, *Henry Collingwood*, *Henry Collingwood the Younger*, *Edward Collingwood*, *Shafto Craster*, *Edmund Craster*, *John Clut-terbuck*, *John Crosier*, *William Clark*, *Matthew Culley of Fowberry*, *Matthew Culley of Akeld*, *Robert Clark Clerk of Hexham*, *Robert Clark Clerk of Whitfield*, *Alexander Davison*, *John Davison*, *Thomas Davidson*, *John Davidson*, *George Davison*, *George Davidson Clerk*, *Thomas Davison Clerk*, *Nicholas Davison*, *Ralph Hanson Dawson*, *Henry Dinning*, *Simon Dodd*, *William Donkin*, *John Dobson*, *George Embleton*, *Cuthbert Ellison*, *James Ellis*, *Frederick Ekins Clerk*, *George Elstob*, *William Errington*, *William Fenwick*, *Christopher Fenwick*, *Percival Fenwick*, *Nicholas Fenwick* of



of North Shields, Thomas Fenwick, Nicholas Fenwick of Lemington, Robert Ord Fenwick, John Peregrine Lascelles Fenwick, John Fawcett Clerk, Thomas Ferguson, James Fenwick, John Manners Fenwick, Jonathan Featherstone, John Frankland, Thomas Foster, Joseph Forster, Henry Forster, John Foster, Gordon Joseph Foster, the Honourable Lieutenant-General Henry George Grey, Ralph William Grey, Anthony Gregson, John Garth, John Green, George Gibson, Jasper Gibson, James Gibson, John Gibson Clerk, Robert Grey, Sir Carnaby Haggerston Baronet, Thomas Haggerston, Thomas Haggerston the Younger, Richard Hodgson, Anthony Headley Clerk, John Hopper, John Hunter, William Hall Clerk, Thomas Harle, John Herdman, George Hughes, Joseph Hughes, Joshua Hewitson, Henry Hewitson, Thomas Howey, Mattison Harrison Clerk, Oswald Head Clerk, Samuel Richard Hartley Clerk, Nathaniel John Hollingsworth Clerk, Robert Jobling, William Jobling, Thomas Jobling, Henry Johnson Clerk, Thomas Judgson, Sanderson Ilderton, Lieutenant-General Walter Ker, Walter Ker the Younger, Thomas Kerr, John Kirsopp of Hencoats, James Kersopp, Sir Thomas Henry Liddell Baronet, Sir Charles Loraine Baronet, Sir Henry Lawson Baronet, Henry Thomas Liddell, Lambton Loraine, William Loraine, Edmund Law Clerk, Richard Lambert, Nicholas Leadbitter the Younger, Thomas Leadbitter, John Leighton, Charles Lee Clerk, Edward Leighton, William Laws, Sir Charles Miles Lambert Monck Baronet, Charles Atticus Monck, Bertram Mitford, Robert Mitford, James Manesty Clerk, Thomas Meggison, Thomas Meggison the Younger, John Middleton Meggison, Septimus Stanley Meggison Clerk, Simon Mewburn, Simon Mewburn the Younger, Michael Maughan Clerk, Samuel Pears Maughan, Nicholas Maughan, John Morpeth, Lewis Nanney, John Nicholson, Robert Ogle, William Ogle, Wallis Ogle, Charles Ogle, John Ogle Clerk, James Ord Clerk, John Ogle, Charles Ord, Edward Otter Clerk, John Ord, William Ord Clerk, William Orde, William Ord, Robert Pearson, Robert Pearson the Younger, William Pawson, Charles Perigal Clerk, John Pratt, Edward Pringle, William Procter Clerk, William Peareth, William Peters, John Plummer, Sir Matthew White Ridley Baronet, Ralph Riddell, of Felton Park, Ralph Riddell of Cheeseburn Grange, Francis Riddell, Henry Richmond, Henry Richmond the Younger, Henry Ridley Clerk, Francis Reed Clerk, Archibald Reed, John Ridley, Richard Robson, John Robson, William Stanhope Roddam, Thomas Redman Clerk, Robert Rumney, John Rudduck, Nicholas Rudduck, Lancelot Reed, Nicholas Ridley Reed, John Reed of Chipchase Castle, Christopher Reed, Henry Reed, John Reed of Acklington Park, John Ridley, George Lowes Ridley, Sir John Edward Swinburn Baronet, Edward Swinburn, Prideaux John Selby, George Selby, George Silvertop, Henry Collingwood Selby, Edward Stamp, Thomas Singleton Clerk, David William Smith, William Surtees, Anthony Surtees, Aubone Surtees, John Surtees, George Dalston Shafto, Ralph Spearman, Richard Spearman, Grieve Smith, William Smith the Younger, William Smith of Leazes, Thomas Smith, Walter Selby, Gerard Selby, John Smart, William Lynn Smart, William Storer, Andrew Sharpe Clerk, Sir John Trevelyan Baronet, John Trevelyan, Walter Calverly Trevelyan, Raleigh Trevelyan, George Taylor of Clarewood Fell Head, George Taylor of Fleatham, Richard Taylor, John Taylor, John Tewart,



*Tewart, William Trotter, Francis Tweddell, Robert Tweddell Clerk, Henry Tulip, Edward South Thurlow Clerk, Francis Thompson Clerk, John Collingwood Tarleton, Robert Thorp, Thomas Threlkeld, William Trotter, John Thulwall, John Tate, Henry Taylor, the Honourable and Reverend Levison V. Vernon Clerk, Robert Hopper Williamson, Henry Wastell Clerk, Thomas Wailes, William Wilson, Jonathan Walton Clerk, Edwards Werge, Henry Walton, William Batty Wrightson, Christopher Wealleans, William Wilkinson, John Wilkinson, Bartholomew Winship, John Ward, William Ward, William Watson, John Wood, John Allen Wilkie, John Winship, William Winship,* and their Successors, to be elected as hereinafter mentioned, shall be and they are hereby appointed Trustees, for making, repairing, improving, and keeping in Repair the said Roads, and for otherwise putting this Act in Execution.

Power to  
appoint ad-  
ditional  
Trustees.

III. And be it further enacted, That it shall be lawful for the Trustees nominated by this Act, and they are hereby authorised 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.

For appoint-  
ing new  
Trustees on  
Vacancies.

IV. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in Manner hereinafter 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 Roads, and by inserting such Notice in one or more of the Newspapers published at *Newcastle-upon-Tyne*, Twenty Days at least before every such Meeting; and every Person who shall be elected and appointed a Trustee pursuant to the Directions of this Act, shall and may act with the surviving and remaining Trustees, in the Execution of this Act, to all Intents and Purposes, as if he had been named and appointed a Trustee in and by this Act.

All Acts may  
be done by  
the Majority  
of Trustees,  
unless other-  
wise direct-  
ed.

V. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of the said recited Act, 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 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



only in Cases herein particularly directed to be done and executed by any greater Number.

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, seized or possessed of and in the actual Possession or Receipt of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds above Reprises, or shall be Heir Apparent of a Person so seized or possessed of Freehold or Copyhold Lands, Tenements, or Hereditaments, of the clear Yearly Value of Two hundred Pounds above Reprises, or shall be possessed of a clear Personal Estate of the Amount or Value of Four thousand Pounds, other than and except the several Persons above appointed to act as Trustees by virtue of their Offices respectively; and if any Person, not being so qualified, or not having taken and subscribed the Oath as hereinafter mentioned, or, being a Quaker, not having made and subscribed the Oath or Affirmation hereinafter mentioned, shall presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof given of his having acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any such Person as a Trustee in the Execution of this Act previous to his being convicted of any such Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Qualification  
of Trustees.

Acts of un-qualified Trustees before Conviction declared valid.

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 hereinafter mentioned at the First or Second Meeting of the said Trustees,) shall take and subscribe an Oath (or, being One of the People called Quakers, shall make and subscribe an Affirmation) in the Presence of any Two or more of the said Trustees, (who are hereby empowered to administer the same,) in the Words or to the Effect following; (that is to say)

Trustees to take an Oath.

‘ I A. B. do swear, [*or, being One of the People called Quakers, do* Oath.  
‘ solemnly, sincerely, and truly declare and affirm,] that I am, in  
‘ my own Right, [*or, in Right of my Wife,*] truly and *bonâ fide* seized  
‘ or possessed of and in the actual Possession or Receipt of the  
‘ Rents and Profits of Freehold or Copyhold Lands, Tenements,  
‘ or Hereditaments, of the clear Yearly Value of One hundred  
‘ Pounds above Reprises; [*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* seized or  
‘ possessed

[Local.]

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‘ possessed of and in the actual Possession or Receipt of the Rents  
 ‘ and Profits of Freehold or Copyhold Lands, Tenements, or  
 ‘ Hereditaments, of the clear Yearly Value of Two hundred Pounds  
 ‘ above Reprises; [*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 [*or, in case*  
 ‘ *of his being One of the Persons appointed to act in respect of his*  
 ‘ *Office,*] that I am [*here name his Office,*] and that I will truly and  
 ‘ faithfully execute the Powers and Trusts reposed in me by an Act  
 ‘ of Parliament passed in the Second Year of the Reign of His Ma-  
 ‘ jesty King *George* the Fourth, intituled, *An Act* [*here set forth the*  
 ‘ *Title of this Act.*]

‘ So help me GOD.’

Trustees  
holding  
Places of  
Profit shall  
not act.

Trustees  
who are Jus-  
tices 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 be concerned in any Contract under this Act, or who shall be a Lessee or Farmer of the Tolls hereby granted; provided also, 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.

Trustees not  
to act con-  
cerning Pur-  
chases where  
interested.

IX. 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.

Innkeepers,  
Victuallers,  
&c. inca-  
pable of  
acting.

X. Provided always, and be it further enacted, That no Innkeeper or Person or Persons who shall keep any Victualling House, Alehouse, 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 Roads, during such Time as he, she, or they shall be such Innkeeper, or shall keep such Victualling House, Alehouse, or other House of public Entertainment, or shall sell any Wine, Cider, Beer, Ale, spirituous or other strong Liquors by Retail; but no 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.

Meetings  
appointed.

XI. And be it further enacted, That the said Trustees shall meet at some convenient House in the Town of *Alnwick* on the Day of the Commencement of this Act, at Eleven o’Clock in the Forenoon, and proceed to the Execution of this Act, and shall then adjourn themselves, and from Time to Time afterwards meet at and again adjourn themselves to some one of the Four Places hereinafter named, in manner hereinafter directed, 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



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 or Clerks to the said Trustees shall from Time to Time, in either of such Cases, by Notice in Writing, to be affixed and inserted in Manner aforesaid, at least Ten Days before the next intended Meeting, appoint the Trustees to meet at the Place next in Course as aforesaid, 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 held or was to have been held as aforesaid; and in case the Clerk or Clerks 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 or Clerks, by Notice in Writing under their Hands, to be affixed and inserted in Manner aforesaid, to appoint the Trustees to meet at the Place next in Course as aforesaid, upon the Day Fortnight after the Date of such last-mentioned Notice; but no Business shall be proceeded upon by the said Trustees, at any Meeting to be held under this Act, before the Hour of Ten in the Forenoon, and no Adjournment shall be made to or any Meeting appointed to be held at any Hour later than Four in the Afternoon of the Day on which such Meeting shall be appointed to be held; and the said Trustees at all their Meetings shall defray their own Expences; and all Orders, 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, the whole Number present not being less than Five; 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 or Clerks to the said Trustees, and for want of such Clerk or Clerks, 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.

Clerk to call Meetings if Trustees do not attend, or the Trustees omit to adjourn.

If the Clerk neglect to call such Meetings, Trustees may do it, though not assembled at a Meeting.

Hours of Meeting.

Trustees to defray their own Expences.

Orders to be made at Meetings only, &c. Orders not to be revoked unless Nine Trustees are present, &c.

XII. Provided always, and be it enacted, That the said Trustees, or their Clerk or Clerks shall, and they the said Trustees and their Clerk or Clerks are hereby respectively required to adjourn or appoint all such Meetings to be held alternately at *Hexham* and *Alnwick* in the said County except as hereinafter provided; and that the said Trustees, or any of them, shall not hold Two successive Meetings at either of the said Places, or at any other Place except when and so often as it shall appear to the said Trustees to be necessary or expedient so to do for the Purpose of letting the Tolls to be taken at any Toll Gate or Turnpike, Toll Gates or Turnpikes, already or hereafter to be erected on any Part of the said Roads,

Meetings to be at Alnwick and Hexham alternately.

Roads, and then immediately after such Meeting for letting, to adjourn to the Place that was next in Course before such Necessity or Occasion occurred.

Meetings to be adjourned to *Cambo* and *Rothbury*.

XIII. Provided also, and be it further enacted, That it shall and may be lawful for the said Trustees or their Clerk or Clerks, and the said Trustees or their Clerk or Clerks are hereby respectively required, at every Third Meeting to be held as aforesaid, to adjourn such Third Meeting either to *Cambo* or *Rothbury*, in the said County, as they shall think fit, there to be held for the Dispatch of the Business of the said Roads, and thence adjourn back again to *Hexham* or *Alnwick* aforesaid, as the same shall happen to be in Course.

Meetings may be held on Emergencies.

XIV. 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 or Clerks 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 Ten Days after the 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 in pursuance of this Act: Provided always, that no other Business than what shall be specified in such Notice shall be transacted at any such Meeting.

Ten Days' Notice to be given in the *Newcastle* Newspapers, and the Intent of such Meeting specified;

and no other Business to be then transacted.

Trustees to appoint Officers.

XV. 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 or Clerks, Surveyor or Surveyors, and such other Officers as they the said Trustees shall think proper; and also may from Time to Time remove such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees 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 Clerks, 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

Officers to account.



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

Punishment  
on Refusal.



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.

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

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

Proceedings to be entered in a Book.

XVII. And be it further enacted, That all Orders and Proceedings of the said Trustees, in Execution of the Powers hereby to them given, shall from Time to Time be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees; and such Orders and Proceedings so entered, shall be signed by the same Number of the said Trustees as are in and by this Act empowered to make or direct such Orders and Proceedings respectively, and 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.

XVIII. 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 or Clerks, for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on Account of the said Roads, and of the several Articles, Matters, and Things for which 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



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 or Clerks shall refuse to permit, or shall not permit the said Trustees, or such Creditors, or any of them to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay any Sum not exceeding Five Pounds.

XIX. 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 any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlançe shall be allowed.

XX. 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 or Clerks for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name or Names of any One or more of the said Trustees, or of their Clerk or Clerks, shall abate or be discontinued by the Death or Removal of any such Trustee or Trustees, Clerk or Clerks; or by the Act of any such Trustee or Trustees, Clerk or Clerks, without Consent of the said Trustees; but any One or more of the said Trustee or Trustees, or the Clerk or Clerks 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, Clerk or Clerks, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event or in Consequence of any such Action or Proceeding he or they shall bear, pay, expend, or be put unto or become chargeable with by reason of his or their being made Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid.

XXI. 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, Houses, &c.



erected, such and so many Toll Gates or Turnpikes in, upon, or across, or on the Side of any Part or Parts of the said Roads, or across any Lane, 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 to the said Toll Houses, as the said Trustees shall think fit, not exceeding One-eighth Part of an Acre, and may cause any of such Toll Gates or Turnpikes, and Toll Houses, from Time to Time to be taken down, altered, or removed, as they shall judge proper, and also shall and may continue to repair and amend the Fence or Fences around or along a Field or Place called *The Bonny Knows* or *Burney Knows*, lying between *Alnwick* and *Alemouth* aforesaid, and also the Wall or Fence on the West Side of the Town of *Alnwick*, across a Place there called *Aydon Forest*, otherwise *Alnwick Moor*, thereby to prevent any Person or Persons avoiding the Payment of any of the Tolls or Duties hereby granted by crossing or passing over the said Field or Place, or the said Forest or Moor.

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

XXII. 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 Act, 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 Roads, shall be and are hereby vested in the said Trustees, and they shall 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 Act or this Act, or any of the Materials hereinbefore 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 aforesaid, to be the Property of the Clerk or Clerks for the Time being to the said Trustees.

Power to  
take Tolls.

XXIII. 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)

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Chariot, Chaise, Hearse, or other such like Four-wheeled Carriage, the Sum of Five-pence:  
For every Horse or other Beast of Draught drawing any Chaise, Curricule, Gig, Taxed Cart, or other such Two-wheeled Carriage, the Sum of Four-pence:

For



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 Ass so used in carrying Coals and not drawing, the Sum of One Halfpenny :

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

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

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

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

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

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

For every Score of Oxen, Cows, Calves, or Neat Cattle, and so in Proportion for any 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 :

For every Two-wheeled Waggon, Wain, Cart or other such Carriage, the Soles or Bottoms of the Fellies of the Wheels whereof are of a greater Breadth or Gauge than Three Inches, and of less Breadth or Gauge than Five Inches, and the Lading whereof shall exceed the Weight of One Hundred and Eighty Stones of Fourteen Pounds Weight to the Stone, and for every the like Carriage the Soles or Bottoms of the Fellies of the Wheels whereof do not exceed the Breadth or Gauge of Three Inches, and the lading whereof shall exceed the Weight of One Hundred and Twenty Stones of Fourteen Pounds Weight to the Stone, double the Tolls or Sums of Money hereinbefore respectively mentioned and made payable for every



such Waggon, Wain, Cart, or other such Carriage, not being so laden as aforesaid.

Tolls vested  
in Trustees.

Which said Tolls, and all other Tolls by this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be vested in the said Trustees for the Time being, and the same and every Part thereof shall be paid, applied, disposed of, and assigned in such Manner as is hereinafter mentioned.

For compelling  
Payment  
of Tolls.

XXIV. And be it further enacted, That 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 and may 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 Horses, Cattle, Beast, Carriage, Goods, 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 Toll in  
certain  
Cases.

XXV. And be it further enacted, That all Waggons, 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 the Reign 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.

Tolls to be  
paid but  
once a Day.

XXVI. 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 Toll Gate or Turnpike continued or erected by virtue of this Act, shall be subject to pay any further or other Toll for returning, or re-passing with the same Horse or Beast, Cattle, and Carriage, as often as he, she, or they shall have Occasion on the same Day, to be computed



computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night through the same Gate, where such Toll shall have been so paid, such Person or Persons producing a Ticket of the Day, denoting such Payment, all which Tickets the Collectors of the Tolls are hereby required to give *gratis*, on Receipt of the Toll if demanded.

XXVII. Provided also, and be it further enacted, That no Toll Gate or Turnpike shall be erected or Toll taken upon any Part of the said Road, lying either on the North or South side of the River *Tyne* nearer to *Hexham* Bridge, than the present Toll Gate or Turnpike, near the Village of *Acomb* in the Parish of *Saint Johnlee*, in the said County, and commonly called *Acomb Bar*. Hexham Bridge guarded against Toll.

XXVIII. Provided also, and be it further enacted, That no Person or Persons shall be chargeable with or liable to pay any of the Tolls aforesaid for any Horses, Cattle, or Carriages whatsoever, or for any Oxen, Cows, or Neat Cattle, Calves, Hogs, Goats, Sheep, or Lambs respectively, both at the Turnpike or Toll Gate already erected, or any other to be hereafter erected on *Aydon Forest*, otherwise *Alnwick Moor*, and the Toll Gate or Turnpike already erected, or any other to be hereafter erected between the Town of *Alnwick* and *Alemouth*, on the same Day, but only at such One of them as shall be first passed. Not to pay both at Alnwick Moor Gate and Alemouth Gate the same Day.

XXIX. Provided also, and be it further enacted, That neither the Lord of the Manor of the Borough of *Alnwick*, nor any Burgess or Burgesses, Freeman or Freemen, of the Town or Borough of *Alnwick*, resident in the Town or Parish of *Alnwick*, shall be chargeable with or liable to pay any of the Tolls aforesaid for any Waggon, Wain, Cart, or other Carriage, or for any Horse, Mare, Gelding, Mule, Ass, or Beast of Burthen which shall be laden with or going empty for any Lime, Stones, Coals, Turves, Flags, Heather, or Whins, the Produce of *Aydon Forest*, otherwise *Alnwick Moor*, in the said County, for passing through the said Toll Gate or Turnpike erected on *Aydon Forest*, otherwise *Alnwick Moor*, aforesaid, or any other Toll Gate or Turnpike that may hereafter be erected thereon; and that no such Person or Persons as aforesaid shall be chargeable with or liable to pay more than One-half of the said Tolls and Duties for any such Carriages or Beasts of Burthen laden with or going empty for any Coals gotten West of the said Moor, and to be carried to the said Town of *Alnwick*, or the Vicinity thereof, for passing through the said Toll Gate or Turnpike; and if any Person or Persons shall take the Benefit of such Exemption, not being entitled thereto, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds. Exemptions at the Gate on the West Side of Alnwick.

XXX. 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 and the Charges of the 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 For settling Disputes concerning Tolls.



that Purpose, shall examine the Matter by 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 seem 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 Collectors to put up their Names.

XXXI. 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 Two Inches in Length and of a Breadth in Proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person 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 and 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 Roads, 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.

Collectors declared competent Witnesses.

XXXII. 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 or 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.

Limiting the Number of Tolls to be

XXXIII. Provided always, and be it enacted, That no more than Five Tolls shall be demanded or taken from any Person or Persons for passing



passing and re-passing the same Day, with the same Horses, Cattle, Beasts, and Carriages, through all the Toll Gates, or Turnpikes to be continued or erected by virtue of this Act, in the whole Length of the said Road, from the Termination thereof at *Alemouth* to the Termination thereof at *Hexham*, and the said Branch of Road from the said Road between *Alnwick* and *Rothbury* to *Jockey's Dike Bridge*, in the County of *Northumberland* aforesaid; but that all and every Person and Persons having paid the said Tolls, and producing Tickets denoting the Payment thereof (which Tickets the Collectors of the Tolls are hereby required to give *gratis*, on the Receipt of such Tolls), shall pass and re-pass with the same Horses, Cattle, Beasts, and Carriages Toll-free during such Day, through all other the Toll Gates or Turnpikes to be erected on the said Road.

taken in the whole Length of Road.

XXXIV. 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 Parishes, Townships, or Places to or through which the said Roads lead, for the Passage of their Horses, Cattle, or Carriages, through all or any of the Toll Gates or Turnpikes now erected, or to be erected on the said Roads, or on the Sides thereof respectively, which Composition Money shall be paid Half 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.

Trustees may compound for Tolls.

XXXV. 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 Roads, and advertizing 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 Toll 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.

Power to lease the Tolls on giving 21 Days' Notice.

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

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

XXXVII. 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 raise the same again, so as they do not exceed the Tolls by this

Tolls may be lessened or altered.



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 Roads, and by inserting such Notice in one or more of the Newspapers published at *Newcastle-upon-Tyne*.

General  
Exemptions  
from Tolls.

XXXVIII. 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, Lime, Timber, Wood, Gravel, or other Materials, for making or repairing the said Roads, or any of the Roads or Bridges in the Parishes or Townships in which any Part of the said Roads doth lie, or with Green Clover, for soiling Cattle, Hay, Straw, or Corn in the Straw only, not sold or disposed of, or passing to be sold or disposed of, but passing to be laid up or placed in the Houses, Barns, Outhouses, and 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 other Implements of Husbandry, to be used in the Cultivation of Lands, carried from one Part to another of Lands occupied by the same Person or Persons, or in carrying or conveying Mould, Dung, Ashes, Soil, or Compost (except Lime) for the manuring of Lands, or on their Way to, or on their returning after having been so employed; or for any Horses or other Beasts going to or returning from Plough or Harrow, or to or from Pasture, 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 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 the Funeral of any Person, who shall die and be buried in any of the Parishes in which the said Roads 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 in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master 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



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 carrying 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 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 Regulation of such Corps at the Time of claiming the Exemption; or for Horses, Carts, or Waggon's 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, employed in carrying or conveying any Elector or Electors, to or 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.

XXXIX. 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.

XL. 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, 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,

Penalty on  
evading the  
Tolls.

King's  
Stores, &c.  
from Penal-  
ties for  
Overweight.



her, or their Steward, or in his, her, or their Employ,) to pass with any Horse, Cattle, Beast, or Carriage whatsoever, to pass 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 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 any Part of the said Roads, 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 such 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.

Trustees  
may discharge  
Collectors mis-  
behaving,  
and appoint  
others till  
next Meeting.

Trustees  
may appoint  
temporary  
Collectors.

Trustees  
may recover  
Possession  
of Toll  
Houses and  
Buildings.

XLI. 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 appoint and nominate 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 or Persons who shall so die or be discharged would have had or would have been subject to; and 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 Roads for the Space of Two Days after Demand thereof made, and Notice in Writing given for that Purpose by 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.

XLII. And



XLII. 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 virtue of this Act, any Sum or Sums of Money they shall think necessary for the Purpose 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 in the Form following, or in any other Words to the like Effect; (that is to say)

Trustees may borrow Money.

BY virtue of an Act made in the Second 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 Roads, do hereby bargain, sell, and assign unto the said *A. B.* his Executors, Administrators, and Assigns such Proportion of the Tolls to arise upon the said Roads, and of the Turnpikes or 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 \_\_\_\_\_.

Form of an Assignment of the Tolls by Way of Mortgage.

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

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

XLIII. And be it further enacted, That all and every the Assignment and Assignments to be made by the said Trustees as aforesaid, shall be entered at length in a Book or Books to be kept for that Purpose by the Clerk or 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.

Assignments of Mortgages to be entered.

XLIV. And be it further enacted, That all and every Person and Persons to whom any Assignment or Assignments shall have been made by virtue of the said former Act, or to whom any Assignment shall

Mortgages may be transferred.



shall be made by virtue of this Act, or who shall be entitled to the Money secured by the said Act, 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)

Form of  
Transfer.

‘ [ *A. B.* of [or, *I C. D.* of Executor  
‘ or Administrator of *A. B.* late of ] in consideration  
‘ 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  
‘ bearing 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 Second 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 here-  
‘ after 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 or Clerks, Treasurer or Treasurers, within Three Calendar Months next after the Day of the Date, 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 Clerks, 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 made, 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.

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

XLV. And be it further enacted, That if any Mortgagee or Mortgagees of the Tolls granted by the said Act of the Fortieth Year of the Reign of His Majesty King *George* the Third, or any prior Act for amending and repairing the said Roads, or to be granted by virtue of this Act, shall seek to obtain Possession of the Toll Gates,  
Toll



Toll Houses, and Buildings erected on the said Roads, 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 Possession thereof, shall not apply the Tolls which may consequently be received by him, her, or them, to his, her, or their 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.

XLVI. 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 Roads, 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 said Principal Sums of Money which now remain due and secured by virtue of and under the said former Act, 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 Act, and also such Principal Sums of Money as shall be secured in pursuance of this present Act, in the Manner or Course hereinbefore directed or mentioned.

Application  
of the  
Money.

XLVII. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, take, and carry away any Furze, Heath, Stone, Sand, Gravel, and other Materials proper or convenient for repairing the said Roads, and for building and repairing Toll Houses, Bridges, Conduits, and Walls upon the same, or on the Sides thereof, out of any Common or Waste, Common River or Brook, (not being within the Distance of Twenty-one Yards from any Bridge, Dam, Weir, or Jetty,) in any Parish, Township, or Place within which the said Roads or any Part or Parts thereof respectively do lie, and for want of sufficient Quantities of such Furze, Heath, Stone, Sand, Gravel, or other Materials in the Places last described, then to dig, take, and carry away the like Materials out of any Common or Waste, or River or Brook, (not being within the like Distance from any Bridge, Dam, Weir, or Jetty,) in any adjoining Parish, Township, or Place, without making any Recompense

For getting  
Materials.



pense for the same, the said Surveyor and Surveyors filling up, fencing, and levelling all such Pits and Holes as shall be made or occasioned by the digging for or taking 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 any 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 Roads shall lie, or be situated, or in any adjoining Parish, Township, or Place, and from Time to Time to carry away such and so much of the said Materials respectively as the said Surveyor or Surveyors shall judge necessary for repairing and amending the said Roads as aforesaid, or erecting, making, or repairing any such Buildings, Bridges, Conduits, or Walls respectively as aforesaid, paying such Recompense 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 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.

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

XLVIII. Provided always, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or any other Person or Persons as aforesaid, under the authority of this Act, to dig, gather, 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 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 the said inclosed Lands lie at a certain Time and Place specified in such Notice, to show Cause why such Materials shall not be taken away; and in case such respective Owners or Occupiers shall by themselves or their respective Agents, attend pursuant to such Notice, and shall not show sufficient Cause to the contrary, such Justice or Justices shall, if they or he shall think



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

XLIX. 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 Roads, or for any other the Purposes of this Act, or shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting Materials for the said Roads, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Three Calendar Months, (except the Owner or Occupier of any private Ground and the Person or Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only and not for Sale,) every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalties on taking away Materials got by Surveyors.

L. 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 Roads 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 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 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 hereinafter 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.

Surveyors may remove Annoyances.

LI. 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 Water Courses, 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 Water Course adjoining or near to the said Roads, 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, Bush or Bushes not being in any Garden,

Surveyors may turn Water Courses, lop Trees and Hedges.

[*Local.*]

29 Q

Orchard,



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 Roads, (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 Water Courses 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 of Water Course 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 hereinafter directed to be levied and recovered.

Surveyors  
may make  
Causeways,  
Drains, &c.

LII. 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 Roads, and to cut and make Drains and Water Courses upon and through any Grounds lying contiguous to the said Roads, and to erect and keep in Repair Bridges and Arches thereupon; and also to make Ditches or Trenches in such Places and in such Manner as such Surveyor or Surveyors, or other Person or Persons shall judge necessary; and also to make sufficient Fenders, Barriers, and other Erections, on any Part or Parts of the said Roads, (not being a Garden, Orchard, Park, planted Walk, or Avenue to a House, or a Nursery for Trees,) in order to prevent any River or Current of Water from flooding the same, as such Surveyor or Surveyors, or other Person or Persons shall judge necessary; and also to make or cause to be made any temporary Road or Roads through, over, and along the Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads (not having a House or other Building thereon, and not being a Garden, Orchard, Park, planted Walk or Avenue to any House, or 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 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

LIII. And be it further enacted, That if any Person or Persons shall at any Time hereafter ride or drive any Horse, Mule, Ass, Beast, or Cattle,



Cattle, or wheel, draw, thrust, or drive any Wheelbarrow, 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 Roads for the Accommodation of Foot Passengers, every Person shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings; One Moiety whereof to be paid to the Informer or Informers, and the other Moiety shall be applied to the Purposes of this Act.

LIV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying about the said Roads or any Part thereof, or by the Sides thereof (except on such Parts of the said Roads as lead or pass through or over any Commons or uninclosed Lands), it shall and may be lawful to and for the Surveyor of the said Trustees for the Time being, and also for any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the common Pound of the Parish, Township, Tything, or Place, where the same shall be, or in such other Place as the said Trustees or any Five or more of them shall appoint, and the same there to detain until the Owner or Owners thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Five Shillings to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to sell or cause to be sold every such Horse, Ass, Sheep, Swine, or other Beast or Cattle; and the Overplus of the Money arising from such Sale, after deducting the said Penalty and Charges and Expences of impounding, keeping, and selling, every such Horse, Ass, Sheep, or Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been.

LV. 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 Roads,) shall be unloaded or laid down by the Sides of the said Roads between the Fences or Inclosures on each Side thereof, and within which Fences or Inclosures the said Roads pass; and no Dung, Soil, Ashes, Compost, or Manure, or other Thing (except as aforesaid), shall be unloaded or laid down upon any Moor, Common, or Waste adjoining upon the said Roads 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 hereinafter 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.

LVI. And



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

LVI. And be it further enacted, That if any Person shall haul or draw or caused to be hauled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheeled Carriages, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon wheeled Carriages, to drag upon any Part of the said Roads 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 Roads.

LVII. And be it further enacted, That if any Person or Persons shall slaughter, burn, or dress any Animal on or adjoining the said Roads, 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 Roads or any Part thereof; or if any Person driving any Pigs or Swine upon the said Roads shall suffer 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 Roads; or if any Person driving such Coach, Chaise, or other such like Carriage upon the said Roads, 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 Roads, 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 Roads; 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 Roads, or within Eighty Feet of the Centre thereof; or play at Foot-ball or any other Game or Games on any Part of the said Roads, 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 Roads as may be,) upon or on the Side of the said Roads 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 in case such Carriage shall not during such Time be drawn up to the Side of the said Road as near as conveniently may be; or if any Person, after having blocked any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Roads the Stone or other Thing used in such blocking; or if any Person shall scrape off any Soil or other Thing from the said Roads 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 Roads or any Part thereof, or any other Person or Persons, shall plough up such Lands to the Extremity thereof adjoining to the said Roads in a transverse Direction with the said Roads, without leaving a sufficient Head Land to turn his, her, or their Plough or Ploughs, and the Horses or other Beasts drawing the same thereon without coming upon the said Roads or any Part thereof for that Purpose, and which Head Land shall afterwards be ploughed only in a Direction parallel with



with the said Roads, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LVIII. And be it further enacted, That the said Trustees shall be and are hereby empowered and required to cause the said Roads to be measured, and Mile Stones or Posts to be set up, and from Time to Time renewed on the Sides thereof, with Inscriptions thereon denoting the Number of Miles and Distances of Places; and also proper Direction Posts, where any other Roads lead out of or into the said Roads hereby directed to be repaired, with Inscriptions thereon denoting to what Place or Places such other Roads respectively do lead, as they shall think proper.

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

LIX. 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 Roads, 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 the Information of any Offence or Offences herein, shall be entitled to One Moiety of such Forfeitures.

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

LX. And be it further enacted, That no Gate of any Park, Paddock, Field, or Inclosure whatsoever, shall be made to open into or towards any Part of the said Roads or be suffered to continue so to open, except the hanging Posts thereof shall be so far removed from the Centre of the said Roads so that no Part of such Gate shall, when open, project over any Part of the said Roads, or any Footpath belonging thereto, and the Occupier or Occupiers of every Park, Paddock, Field, or Inclosure, having any Gate opening outwards, contrary to the meaning of this Act, shall within Ten Days after Notice to him, her, or them given, either Personally or in Writing, from the Surveyor of the said Roads, cause such Gate to be hung so that no Part of the Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in Default thereof, the Surveyor of the said Road is hereby authorized to cause the Gate to be hung according to the Intention of this Act, and the Persons or Person guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace, acting in and for the County or Place where the Gate shall be situate, and upon Conviction upon the Oath of two credible Witnesses pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration; and hanging such Gate, and shall also forfeit and pay a further Sum not exceeding Forty Shillings, for his, her, or their Neglect, therein to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made; and such Penalty shall be recovered, levied, apportioned, and applied in Manner hereinafter provided for the Recovery and Application of Penalties.

Gates to open inwards.

[Local.]

29 R

LXI. And



Trustees  
may widen,  
turn, or  
alter the  
Roads.

On Refusal  
to sell, a Jury  
to settle the  
Recom-  
pense ;

LXI. And be it further enacted, That the said Trustees shall have full Power and Authority from Time to Time to widen the said Roads, 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 or Damage such Owners and Persons interested, or any of them shall or may any ways sustain by such widening, turning, or altering any Part or Parts of the said Roads ; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on behalf of any Infant, Feme Covert, Cestuique Trust, and for all and every Person or Persons whomsoever, who are or shall be seized 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 Roads, or into which any Part or Parts of such Roads 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 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 Recompense 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



into the said Roads, or turning any Part or Parts of such Roads 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 and 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 Damage and Recompense, 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, Femes 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 any ways 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

their Verdict  
to be final.

Sheriffs to  
summon  
Juries.

Jury may be  
challenged.

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



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 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 hereinafter directed to be levied and applied so that such Fine shall not exceed the Sum of Ten Pounds upon any Sheriff or his Deputy, nor the Sum of Five Pounds upon any other Person for any One Offence.

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

LXII. And be it further enacted, That every Sum of Money, or Recompense 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 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 Roads, 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 Roads, and shall be repaired and kept in Repair in such Manner as the same Roads hereby appointed to be made and repaired is, by this or any other Law to be made and repaired; and after such new Roads 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 inrolled 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



or Nursery of Trees, without the Consent in Writing of the Owners or Proprietors thereof, any Thing herein contained to the contrary notwithstanding. of any Dwelling House, &c.

LXIII. 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 Roads comprised in this Act, to deviate more than One Hundred Yards from the present 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. Not to deviate more than 100 Yards without Consent.

LXIV. 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 Recompense 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 Recompense 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 Treasurer to the said Trustees, within Twenty-one Days' after such Verdict shall have been given, and in default thereof such Costs and Expences, after having been ascertained by any Two of His Majesty's Justices of the Peace shall and may be recovered by Distress and Sale of the Goods and Chattels of such Treasurer by Warrant under the Hand and Seal of such Justices; 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 Recompense 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 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

[Local.]

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settled



Persons  
absent not to  
be charged  
with Ex-  
pences.

settled as aforesaid, may be recovered by such Ways and Means as are hereinafter 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.

Application  
of Compen-  
sation when  
equal to  
200l.

LXV. 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, 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 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 Purchases 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



purchased under the Authority of this Act, in Case such Purchase or Settlement were made.

LXVI. 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 Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, 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 to be placed to his Account as aforesaid, in order to be applied in Manner hereinafter 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 hereinbefore 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 Sum shall be less than 200l. and exceed 20l.

LXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next hereinbefore 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 where the Money is less than 20l.

LXVIII. 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

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

said



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 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.

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

LXIX. 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 to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or 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 shown 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 Disability of the Persons entitled to Lands, the Court may order reasonable Expences of Purchases to be paid by the Trustees.

LXX. 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 for 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



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

LXXI. And whereas by reason of the diverting of some Part or Parts of the said Roads, the Trustees may happen to be seized 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 Sale 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 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 Price thereof as hereinafter mentioned), or shall refuse (except with respect to or on account of the Prices thereof,) to purchase or repurchase the same respectively, on an Affidavit being made and sworn before a Master or Masters 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 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 hereinbefore 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 hereinbefore directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads hereinbefore directed to be sold.

Trustees empowered to sell overplus Grounds, &c.

When Pieces of Land are to be sold, the first offer to be made to the original Proprietors.

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

LXXII. And be it further enacted, That in all Cases where the said Trustees shall widen, turn, or alter, any Part or Parts of the said Roads, or make any new Road over and through any Private

Trustees to fence the new Roads.

[*Local.*]



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 Roads; and also proper Gates, Bridges and Arches where necessary, out of or upon or under the said Roads, into the Lands adjoining, and shall keep the Quickset Fences so to be made in proper Order and Repair, for and during the Term of Six Years from the Time that such Quickset Fences shall have been made or planted.

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

LXXIII. And be it further enacted, That where any particular Part or Parts of the said Roads, or any Bridges, Arches, Drains, or Sewers, lying in and upon the said Roads, 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 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 Roads, 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.

Persons liable to the Repair of Roads to continue so.

LXXIV. Provided always, That all and every Person and Persons who by Law are chargeable with the repairing of any particular Part or Parts of the said Roads shall still remain so chargeable, and also shall do their respective Statute or other Work in or upon the other Highways of the Parishes, Townships, or Places in which such Part or Parts of the said Roads do lie, in the like Manner as he, she, or they was or were accustomed to do, or ought to have done before or at the Time of the Commencement of this Act.

Regulations as to Performance of Statute Work.

LXXV. 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 Roads, 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 Roads, 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 Roads, by the Inhabitants of the respective Parishes, Townships or Places liable thereto, or in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, 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

veyors



veyors 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 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 Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay Time or Harvest,) and on such Parts of the said Roads as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices 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 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 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 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 Roads 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 Roads; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse  
or



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.

Trustees  
may com-  
pound for  
Repairs or  
Statute  
Work.

LXXVI. 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 Roads 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 Roads do 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 Roads; 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 con-  
tract for  
Repairs.

LXXVII. 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 Roads, 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 Considerations as the said Trustees shall think proper.

Contracts to  
be binding.

LXXVIII. And be it further enacted, That all Contracts in Writing entered into pursuant to an Order made at any Meeting by the said Trustees shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof.

Penalty on  
Persons ob-  
structing the  
Execution  
of this Act.

LXXIX. 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 de-  
tain un-  
known Per-  
sons guilty  
of Offences.

LXXX. 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



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 shall be committed, without any other Warrant or Authority than this Act for so doing.

LXXXI. 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 seized 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, Coals, 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 Roads or any Part thereof.

Mines reserved to the Owners of Lands.

LXXXII. 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 for 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 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 or them 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 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

Penalties and Forfeitures, how to be recovered and applied.

[Local.]

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appear







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.

LXXXV. 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.

Distress not unlawful for Want of Form only.

LXXXVI. 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.

Proceedings not to be quashed for Want of Form, nor removed by *Certiorari*.

LXXXVII. 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.

Inhabitants may be Witnesses.

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

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



by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation  
of Actions.

LXXXIX. 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.

Public Act.

XC. 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.

Term of the  
Act.

XCI. And be it further enacted, That this Act shall commence upon the First Day of *June* One thousand eight hundred and twenty-one, 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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