



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. xvii.

An Act for making and maintaining a Turnpike Road from *South Shields* to *White Mere Pool*, and from thence to join the *Durham* and *Newcastle* Turnpike Road at *Vigo Lane*, with a Branch from *Jarrow Slake* to *East Boldon*, all in the County of *Durham*. [22d March 1826.]

WHEREAS the making and maintaining of a Turnpike Road from the Termination of the Pavement near the South-west Corner of the Market-place in *South Shields* in the County of *Durham*, along the present Highway or Road over *Jarrow Slake* in the Township of *Westoe* and Parish of *Jarrow*, to *White Mere Pool* in the Parish of *Boldon*; and also a Branch Road to the Town or Ville of *East Boldon* in the said Parish of *Boldon*, to lead from out of the said intended Turnpike Road at or near to *Jarrow Slake* aforesaid, through the Townships of *Westoe*, *Harton*, *Whitburn*, and *East Boldon*, and along the present Lane, Road, or Highway leading from *Jarrow Slake* aforesaid to *East Boldon* aforesaid, all in the said County of *Durham*; and also the extending of the said first-mentioned Line of Road, by making and maintaining a Turnpike Road from *White Mere Pool* aforesaid, to and into the present Turnpike Road leading from the City of *Durham* to *Tyne Bridge*; and to join the said last-mentioned Turnpike Road at or near to a certain Lane or Road called *Vigo Lane*, in the Parish of *Chester-le-Street* in the aforesaid County, will be of great Benefit and Convenience to the

[Local.]

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Owners

Owners of Estates and Residents within or near to the Parishes and Places above named, and also of great public Utility, by opening a better Communication between the said Town of *South Shields* and the Towns of *Gateshead, Newcastle-upon-Tyne, and Chester-le-Street*, in the said County of *Durham*, and also the City of *Durham*, and various other Parts of the adjacent Country; but the same cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace acting for the County of *Durham* for the Time being, together with *George Cooper Abbs Clerk, Bryan Abbs, Cooper Abbs, Ralph Henry Brandling Clerk, Charles Brandling, John Brandling, Robert William Brandling, Jasper Browell, Nicholas Blenkinsop, John Brewster Clerk, Rowland Burdon, Russell Bowlby, William Barras (Marsden Cottage), George Barras, Edward Backhouse, Thomas Bell, Edward Bell, Thomas Baker Clerk, Nathaniel Clayton, John Clayton, Isaac Cookson, John Cookson, William Chapman (Earsden), Edward Chapman, Frederick Chapman, John Collinson Clerk, John Davison Clerk, Cuthbert Ellison, Robert Ellison, Thomas Fenwick, Addison Fenwick, George Townshend Fox, John Fox, Charles Richard Fell, Nicholas Fairles, Thomas Forsyth, Thomas Forrest, George Forster, Thomas Green, Robert Green Clerk (Newcastle-upon-Tyne), Robert Green Clerk (Long Horsley), Thomas Emerson Headlam (Doctor of Medicine), John Hodgson, Robert Harrison Clerk, Robert Ingham, Thomas William Keenlyside, Richard Headlam Keenlyside Doctor of Medicine, John Keenlyside, John George Lambton, William Henry Lambton, Hedworth Lambton, Ralph John Lambton, John Laing, James Laing, Philip Laing the younger, William Loraine, Henry George Liddell Clerk, Charles Millner, Robert Martinson, Henry Major, Edward Abbon Major, George Marshall, William Marshall, John Oyston, George Potts, William Peters, George Robinson (Hendon Lodge), John Reed, Thomas Robertson, Sir Matthew White Ridley Baronet, William Russell, John Russell, Richard Turner Shortridge, John Straker, George Straker, Robert Shaw, Charles Simpson, Joseph Simpson, John Shadforth, Michael Angelo Taylor, John Twizell Wawn, Thomas Wade, Christopher Wood, Sir Hedworth Williamson Baronet, William Williamson, John White, Thomas Wilson, John Ward, William Wallis, Thomas Masterman Winterbottom, Doctor of Medicine, Cuthbert Young, and Joseph Yallowley, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making and maintaining the said Roads, and for otherwise putting this*

Trustees
appointed.

Act in execution; and the same shall be called "The *South Shields Turnpike Roads*."

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, and also save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and the Power or Provision therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Extending Powers of recited Acts 3, 4, & 5 G. 4. to this Act.

III. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, (not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed), to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

Power to appoint additional Trustees.

IV. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the *Golden Lion Inn* in the Town of *South Shields*, or at some other convenient Place in the said Town, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be; and the said Trustees shall and may then, and from Time to Time afterwards, adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Roads, as they shall think proper.

First Meeting of Trustees.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk

Clerk not to act as Treasurer, and vice versa.

to

to the said Trustees; 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, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered 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, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

For erecting
Toll Gates,
Turnpikes,
Side Bars,
Weighing
Machines,
&c.

VI. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected and set up or built, upon, in, or across the said Roads, or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, or Chain or Chains, and any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Toll Gate and Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or alter or discontinue the same, or any Part of them, as they the said Trustees shall think proper and direct or appoint.

Power to take
Tolls.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars or Chains, which shall be erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads, or any Part thereof, and on every Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); (that is to say),

Tolls.

For each and every Horse or other Beast, drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Caravan, Curricule, Chair, Gig, Taxed Cart, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For each and every Horse or other Beast, drawing any Waggon, Wain, Cart, Dray, Sledge, Slide, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches or upwards, the Sum of Two-pence Halfpenny:

For

For each and every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, Slide, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches, and less than Nine Inches, the Sum of Five-pence :

For each and every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, Slide, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of less Breadth or Gauge than Six Inches, the Sum of Seven-pence :

For each and every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, laden with Manure, One Moiety or Half Part of such and the same Tolls as are by this Act authorized to be demanded and taken for any Horses or Beasts drawing any Waggon, Wain, Cart, or other such Carriage not so laden, any thing in the said recited Acts contained to the contrary notwithstanding :

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

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

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

Which said respective Sums of Money or Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle whatsoever shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be erected or placed by virtue of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof; and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

VIII. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Fractional Part of a Halfpenny.

IX. Provided also, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any One of such Toll Gates, Turnpikes, or Side Gates, such Horse, Beast, or Cattle shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, Five Times during the same Day, (to be computed as aforesaid); and in case any such Horse, Beast, or Cattle shall pass through any such Toll Gate, Turnpike, or Side Gate a Seventh Time on the same Day, (to be computed as aforesaid), such Horse, Beast, or Cattle shall again be liable to Toll, and so *toties quoties* for every Seventh Time of passing through any such Gate or Gates, it being hereby intended that all Horses, Beasts and Cattle shall pass and repass through any such Gate or Gates Three Times for One Payment of Toll, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Horses, &c. to pass and repass Three Times for One Payment of Toll.

Limiting the Number of Tolls on the whole Line of Road.

X. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to empower the said Trustees, or any Collector or Collectors, to demand or take for or in respect of the same Horse, Beast, or Cattle, for passing or repassing at any Time or Times in any One Day (to be computed as aforesaid) through all or any of the Toll Gates, Turnpikes, or Side Gates along the whole Line of the said Roads, between *South Shields* aforesaid and the said present Turnpike Road leading from the City of *Durham* to *Tyne Bridge*, more than Two full Tolls, or between *South Shields* aforesaid and *White Mere Pool* aforesaid more than One full Toll, or between *South Shields* aforesaid and the Village of *East Boldon* aforesaid more than One full Toll.

Copper, &c. to pay every Time of passing.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of every Horse, Mule, Ass, or other Beast, drawing any Waggon, Wain, Cart, or other such Carriage, laden with Copper, Iron, Lead, Coals, Cinders, Timber, Bricks, Stone, or Stones, every Time of passing or repassing along the said Roads, or any Part thereof.

Stage Coaches, &c. to pay every Time of passing.

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads or any of them.

Post Chaises to be subject on every new Hiring.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any of them, whenever any new Hiring thereof shall take place.

Exemptions from Toll.

XIV. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes, Toll Gates, or Side Gates, to be erected upon, across, or by the Sides of the said Roads, for any Horse, Beast, or other Cattle or Carriage used or employed only in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Milk or Fish.

Trustees to erect Toll Gates and take Tolls on the Branch Road.

XV. And be it further enacted, That the said Trustees shall and they are hereby required to erect and set up and continue, upon the Branch Road comprised in this Act, One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, or Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions in this Act and the said recited Acts contained.

Subscribers to pay their Subscriptions.

XVI. And be it further enacted, That the several and respective Persons who have subscribed for or agreed to advance any Money for and towards the making or maintaining the said Roads, or any Part thereof, shall and they are hereby required to pay the Sum or Sums of Money so subscribed within

within such Time and Times, and in such Parts and Proportions, as the said Trustees shall order and direct; and the same shall be demanded by and paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any One of such Trustees, or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

XVII. And be it further enacted, That out of the Monies already subscribed or to be subscribed or advanced for the Purpose of making the said Roads, or which shall be borrowed on the Credit of this Act, or out of the first Money which shall arise or be received from the Tolls by this Act granted or otherwise, the said Trustees shall pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, with Interest for the same, in preference to all other Payments and Disbursements whatsoever; and the Remainder of all Monies so already subscribed shall in the first Place be applied by the said Trustees in defraying the Expences of making the said Roads from *South Shields* to *White Mere Pool* and to *East Boldon*, and in purchasing Lands and Hereditaments and Materials for the Purpose, and in erecting, making, or providing Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, Toll Houses, with Outhouses and Conveniences; also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into Execution with respect to the said Roads; and in the next Place, all Monies which shall be hereafter subscribed for any of the Purposes of this Act, or which shall be borrowed on the Credit thereof, shall be applied, as well for the Purposes aforesaid, as for making the Extension of the said Road from *White Mere Pool* aforesaid to the present Turnpike Road leading from the City of *Durham* to *Tyne Bridge*, and in purchasing Lands and Hereditaments and Materials for the Purpose, and in erecting, making, or providing Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, Toll Houses, with Outhouses and Conveniences, also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into Execution; and the Remainder (if any) of all such Monies, and all Monies which shall arise or be received from the Tolls by this Act granted or otherwise, shall from Time to Time be applied in amending and keeping in repair the Roads to be made Turnpike by virtue of this Act, and the Toll Gates and Toll Houses, and in otherwise putting this Act into Execution, and then in keeping down the Interest of the Principal Monies subscribed or advanced, or to be subscribed and advanced for the Purposes of this Act, and which may be borrowed on the Credit thereof; and lastly, in repaying such Principal Monies, and all Monies which shall be borrowed for the Purposes of this Act, or on the Credit thereof.

Application
of the Tolls
and Money
to be bor-
rowed.

XVIII. Pro-

No Money to be laid out on Roads where there is no Turnpike erected or Tolls taken.

XVIII. Provided also, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of the Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act and the said recited Acts.

No Money to be laid out in repairing Streets, &c.

XIX. Provided always, and be it further enacted, That no Part of the Money to be received by virtue of this Act shall be laid out in the repairing the Roads or Streets in any Part of the said Town of *South Shields*, any thing herein contained to the contrary in anywise notwithstanding.

Roads may be made.

XX. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered to make, widen, alter, and divert the said Roads upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby, and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Thirty-six Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences on the Line of the said Roads as they shall think necessary or expedient; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Roads, Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Roads to be made according to the Map or Plan deposited at the Office of the Clerk of the Peace.

XXI. And whereas a Map or Plan, describing the Line of the said Roads, and the Lands, Hereditaments, and Premises through or over which the same are to be made or carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Durham*; be it therefore enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of such Map or Plan and Book of Reference; and the said Trustees, in making the said Roads, shall

shall not deviate more than One hundred Yards of Three Feet each from the Line described in such Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

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

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XXIII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Roads shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to treat, contract, and agree with the Parties or Persons who shall be Owners of or interested in any Lands, Buildings, Tenements, Hereditaments, or Premises, to be taken or made use of in the Execution of this Act, or who shall sustain any Loss or Damage by Means thereof, for the Purchase of such Lands, Buildings, Tenements, Hereditaments, or Premises, and for the Value, Consideration, Compensation, or Satisfaction to be made for the same, or for such Loss or Damage as aforesaid; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, Administrators, and all other Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on Behalf of their Cestuique Trusts, whether Femes Covert, Wards, Infants, or Issue unborn, Lunatics, Idiots, Persons of unsound Memory and Understanding, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands, Buildings, Tenements, Hereditaments, or Premises, to give their Consent in Writing to the said Trustees for the taking and using any such Lands, Tenements, Hereditaments, and Premises, and the pulling down of any Dwelling House, or any other Building, and to treat,

Trustees may contract for the Purchase of Land.

Bodies Politic, &c. empowered to sell.

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contract,

contract, and agree with the Trustees for executing this Act for the Value, Consideration, Compensation, or Satisfaction to be made for such Property or Interest, or for any Loss or Damage as aforesaid, and by Conveyance, Lease and Release, or Bargain and Sale, to sell and convey unto the said Trustees any such Lands, Buildings, Tenements, Hereditaments, or Premises, or any Part thereof, for any of the Purposes of this Act; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be good, valid, and effectual to all Intents and Purposes, without Fine or Recovery, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, and Administrators, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act; and if any such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or Administrators, or any other Person or Persons as aforesaid, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Premises, shall for the Space of Thirty Days next after such Notice given or left, neglect or refuse to treat, or shall not agree, or by reason of Absence shall be prevented from treating, then and in every or any such Case the said Trustees shall cause such Value, Consideration, Compensation, Satisfaction, or Damages, to be inquired into and ascertained by a Jury, in the Manner prescribed by the said recited Act passed in the Third Year of the Reign of His present Majesty, in Cases where any Damages, Value, or Recompence for Premises, thereby authorized to be taken and used for widening, diverting, altering, and improving any Turnpike Road, are directed to be inquired into and ascertained, subject to all the Regulations and Provisions of the said Act, relative to the summoning and impannelling the Jury, the summoning of Witnesses, the fining of the Sheriff, his Deputy, Bailiff, or Agent, and fining the Witnesses, and to the Payment of the Expences of summoning and maintaining the Jury and Witnesses.

Application
of Compen-
sation Money
if amounting
to 200*l*.

XXV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes of the said Roads, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons 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 Court of Exchequer, to be placed to his Account there *ex parte* the Trustees for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court 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, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court, 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, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, 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 such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled.

XXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said Roads, 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 exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Trustees or any Three or more of them, to be signified in

Where less than 200l. and amounting to 20l.

in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Trustees for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining, or being required to obtain, any Order of the said Court touching the Application thereof.

Where
under 20^l.

XXVII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to 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, for his, her, or their own Use and Benefit; or in cases of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of
not making
out a good
Title, or if
Persons can-
not be found,
the Purchase
Money to be
paid into the
Bank.

XXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers 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 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 said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the said Court of Exchequer, to be placed to his Account there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other
Order

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 therein 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 of *England* as aforesaid.

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under 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; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, 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
disputed
Titles.

XXX. 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, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may
order reason-
able Expences
to be paid
by Trustees.

XXXI. Provided always, and be it further enacted, That nothing in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty or this Act contained shall extend, or be construed to extend, either to authorize or empower the said Trustees, or any of their Officers or Agents, or any Person or Persons to be employed by them, to pull up, destroy, remove, or take away any Waggonway or Waggon-

Waggon-
ways laid or
to be laid
across the
Roads not to
be prejudiced.

[*Local.*]

6 F

ways

ways already laid or placed, or to be laid or placed across any Part of the said Roads, or to obstruct, prevent, or hinder the making, laying, placing, amending, or repairing of any such Waggonway or Waggonways, or to stop or obstruct any Coal Waggon or Coal Waggon, laden or empty, or any Horse or Horses drawing the same, from passing by and along such Waggonway or Waggonways across the said Roads, or to prevent all or any of the Owners or Proprietors of Lands or Grounds adjoining the said Roads from laying and placing and continuing across the said Roads or any of them, any new or other Waggonway or Waggonways, and repairing and amending the same from Time to Time, as occasion may require; but that all Waggonways already laid and placed across the Line of the said Roads shall and may be used and enjoyed, amended and repaired, and any new or other Waggonway or Waggonways to be laid and placed across the said Roads shall and may be used and enjoyed, amended and repaired from Time to Time, as occasion may require, in like Manner as Waggonways are accustomed to be made, laid, placed, used, and enjoyed in the Coal District of this Part of the Country; but nevertheless so as such Waggonways already made, laid, and placed, or to be made, laid, and placed, be respectively used and enjoyed without Obstruction or Hindrance to the free Passage or Annoyance to the Public upon and along the said Roads, and that the Person or Persons making, laying, or placing or amending the same, do and shall repair or make Satisfaction for any Damage or Injury thereby done or occasioned to the said Roads.

As to Waggonways crossing the Roads.

XXXII. Provided always, and be it further enacted, That where any Waggonway shall cross any Part of the said Roads, the Ledge or Flanch of such Waggonway, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of such Roads.

Ditches, Drains, Bridges, &c. by whom to be made and cleansed.

XXXIII. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, or other Person or Persons by them appointed, and they are hereby authorized and empowered, to make such Ditches, Drains, or Watercourses of a sufficient Depth and Breadth for keeping the said Roads dry, and conveying the Water from the same; and also, where necessary, into or through any Fields, Lands, or Grounds adjoining to or lying near the said Roads, (not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to a House), at the Expence of the said Trustees, out of the Monies to be received by virtue of this Act; and also such sufficient Bridges, Arches, Culverts, Trunks, Tunnels, or Plats as shall be necessary, also at the Expence of the said Trustees, out of the Monies aforesaid, any Law or Statute to the contrary notwithstanding; and all such Ditches, Drains, and Watercourses, Bridges, Arches, Culverts, Trunks, Tunnels, or Plats, when so made and completed, shall for ever afterwards be scoured, cleansed, and kept open, repaired and maintained by the Occupiers of the adjoining Fields, Lands, or Grounds; but all such new Bridges, Arches, Culverts, Trunks, Tunnels, and Plats, as shall cross or pass in or under the said Roads, shall be scoured, cleansed, and kept open, repaired and maintained by the said Trustees, subject to the Provisions of the said Act of the Third Year of the Reign of His present Majesty.

XXXIV. And

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

XXXV. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. Commence-
ment and
Continuance
of this Act.

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THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSION ON THE ORGANIZATION
OF THE DEPARTMENT OF CHEMISTRY