



ANNO TRICESIMO NONO

# GEORGI II. REGIS.

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## Cap. 51.

An Act for more effectually amending, widening, improving, and keeping in Repair, the Road from *Gateshead* in the County of *Durham*, to the *Church Lane*, near *Ryton Lane Head*, and from the *Bar Moor* to the *Hexham Turnpike Road*, near *Dilston Bar* in the County of *Northumberland*; and also several other Roads therein described, lying within the said Counties.

[13th June 1799.]

**W**HEREAS an Act was passed in the Seventeenth Year of the Preamble.  
Reign of His present Majesty King *George* the Third, intituled, *An Act for repairing and widening the Road from Gateshead in the County of Durham, to the Church Lane near Ryton Lane Head, and from the Bar Moor to the Hexham Turnpike Road, near Dilston Bar in the County of Northumberland; and also the Road from Mickley Bank to Lead Hill or Silver Hill; and for making a Road cross certain Grounds belonging to Crozier Surtees Esquire, in the Parish of Ryton, in the County of Durham:* And whereas a considerable Sum of Money hath been borrowed upon the Credit of the Tolls authorized to be collected upon the said Roads, which still remains due, and the same cannot be paid off, and the said Roads kept in Repair, unless the Term of the said Act is enlarged; and it would be more convenient to the Trustees,  
[*Loc. & Per.*] and

17 Geo. III.  
recited.

and the said Roads be more effectually repaired, if the Powers and Provisions of the said Act were repealed, and further and other Powers granted instead thereof: And whereas the Road leading from or out of the said Turnpike Road at *Swalwell*, in the County of *Durham*, through *Swalwell*, and so along *Market Lane* to the *Team Works*, and from thence to *Adam Askew* Esquire's Road, and then along the same into the said Turnpike Road at *Windmill Hills*, near *Gateshead*, in the said County of *Durham*, is a short and convenient Line of Road from *Swalwell* to *Gateshead* aforesaid, and it would be of great publick Utility that the same should be amended, widened, and repaired, under the Provisions of this Act: 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 as soon as a sufficient Number of Trustees appointed by this Act are assembled at their First Meeting, pursuant to the Directions hereinafter contained, and have proceeded to put this Act in Execution, the said Act, passed in the Seventeenth Year of the Reign of His present Majesty, shall be, and the same is hereby declared to be repealed; and that instead thereof on the same Day this Act shall commence and take Effect, and shall be put in Execution, for and during the Term hereinafter mentioned, for the Purpose of repairing, amending, and improving the Road from *Gateshead*, in the County of *Durham*, to the *Church Lane* near *Ryton Lane Head*; and from the *Bar Moor* to the *Hexham* Turnpike Road, near *Dilston Bar*, in the County of *Northumberland*; and also the Road from *Mickley Bank* to *Lead Hill* or *Silver Hill*; and also the Road cross certain Grounds belonging to *Crozier Surtees* Esquire, in the Parish of *Ryton*, in the County of *Durham*, and also the Road leading from or out of the said Turnpike Road at *Swalwell*, in the County of *Durham* aforesaid, through *Swalwell*, and so along *Market Lane* to the *Team Works*, and from thence to *Adam Askew* Esquire's Road, and then along the same into the said Turnpike Road at *Windmill Hills*, near *Gateshead* aforesaid; and which said last-mentioned Road shall, from and after the passing of this Act, be for ever a publick Highway; and this Act, and the Tolls hereby granted, shall be subject and liable to the Payment of all Sums of Money due and owing upon the Credit of the said former Act, and also to the Payment of all Sums of Money which shall or may hereafter be borrowed on the Credit of this Act, together with all Interest due, and which shall or may, from Time to Time hereafter, become due and payable for the same respectively.

Trustees.

II. And be it further enacted, That the Right Honourable *Charles Aynesley* commonly called Lord *Charles Aynesley*, *James Allgood*, *Adam Askew*, *Alexander Adams*, *Thomas Adams*, *Edward Anderson* of *Newcastle*, *John Askew*, *Ralph Atkinson*, *John Atkinson*, *Henry Askew* Clerk, *David Akenhead*, *Sir Edward Blackett* Baronet, *Sir Francis Blake* Baronet, *Thomas Richard Beaumont*, *George Baker*, *William Bainbridge* of *Ridding*, *Thomas Bonner*, *Bryan Burrell*, *Matthew Bell*, *Calverly Berwick*, *Charles William Bigg*, *William Brown*, *Rowland Burdon*, *Charles Brandling*, *Charles John Brandling*, *Ralph Bates*, *John Bigge*, *Bannister Bailes*, *Christopher Bell*, *William Bell*, *John Erasmus Blackett*, *John Barras*, *Thomas Blackett*, *Sir Thomas John Clavering* Baronet, *Thomas Clennell*, *Edward Collingwood*, *John Blenkinsop Coulson*, *Slaughter Clarke* Clerk, *Nathaniel Clayton*, *John Chicken*,

Chicken, Mark Carr, John Crafter, Edward Charlton, Ralph Carr, John Carr, John Cookson, Isaac Cookson, George Charlton, Shafto Coulter, Robert Clarke Clerk, William Darnell, George Dunn, Joseph Dunn, Michael Dunn, John Dawson, Alexander Davison, John Davidson, Thomas Davidson, Simon Dodd, Shallot Dale, John Errington, John Ellison Clerk, Henry Errington, William Ellison, Sir Henry Featherstonehaugh Baronet, Thomas Fenwick, William Fenwick, John Fawcett Clerk, Edward Fairless, John Farrer Clerk, the Rector of Gateshead for the Time being, Sir Henry Grey Baronet, Charles Grey, John Garth, George Gibson, John Greene, James Gibson, Jasper Gibson of Stonecroft, Ralph William Grey, John Gibson, Jasper Gibson of Hexham, Sir Carnaby Haggerston Baronet, William Hargrave, John Hunter, William Hodshon, Jasper Harrison, Thomas Hopper, Thomas Haggerston, Anthony Humble, Anthony Humble the younger, Anthony Hood, John Huntley, Ralph Heron, Thomas Harvey, Oswald Head Clerk, Thomas Emmerson Headlam, William Hawkes, Samuel Huthwaite, George Hind, John Headlam Clerk, Walter Heron, Thomas Ismay, Henry Johnson Clerk, William Jobling, Robert Jobling, Thomas Jefferson, John Kirsopp, Sir Thomas Henry Liddell Baronet, Sir William Loraine Baronet, Sir John Lawson Baronet, Ralph John Lambton, Thomas Longridge, Lambton Loraine Clerk, George Lake, Nicholas Leadbetter, Robert Lynn, Joseph Lamb, Walker Lawson, Sir Ralph Milbanke Baronet, Thomas Maddison, John Morley, Henry Maive, Simon Mewburn, Hugh Moses Clerk, John Maughan, George Mowbray, the Mayor, Aldermen, and Recorder of Newcastle-upon-Tyne for the Time being, John Ord, William Ord, Richard Proffer Doctor in Divinity, Robert Pearson, William Peareth, Richard Pemberion, Nathaniel Punshon, Thomas Patten, Sir Matthew White Ridley Baronet, John Reed of Chipchace, John Reed of Aydon, Ralph Riddell of Felton Park, Ralph Riddell of Cheesburn Grainge, Francis Riddell, Nicholas Ruddock, John Roddam, the Rector of Ryton for the Time being, John Silvertop, George Silvertop, Thomas Selby, Ralph Sparke, Sir Cuthbert Shafto Knight, Aubone Surtees, Aubone Surtees the younger, John Surtees, Crozier Surtees, Sir John Trevelyan Baronet, Sir John Cricbloe Turner Knight, Henry Tulip of Fallowfield, John Tweddell, Francis Tweddell, Walter Trevelyan, Middleton Teasdale, William Taylor, Sir Henry Vane Tempest Baronet, the Rector of Wickham for the Time being, Robert Hopper Williamson, Bacon William Wastell, William Wilson Clerk, Bartholomew Winship, John Walker, Sir Hedworth Williamson Baronet, William Batty Wrighton, Isaac Warburton, and Nicholas Walton, shall be, and they and their Successors, to be elected as herein-after mentioned, are hereby nominated and appointed Trustees for more effectually repairing and keeping in Repair the said Roads, and for putting in Execution the several Powers and Authorities in and by this Act given and granted.

III. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or to be elected and appointed in Manner herein-after mentioned, shall die, or by Writing under their Hands refuse to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, 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 to the said Trustees, by affixing the same

For appoint-  
ing new  
Trustees on  
Vacancies.

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.

Qualification  
of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in Right of his Wife, seised or possessed of, and in the actual Possession or Receipt of the Rents and Profits of Messuages, Lands, or Tenements, Tythes or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of a Person so seised or possessed of Messuages, Lands, Tenements, Tythes, or Hereditaments, of the clear yearly Value of Three hundred Pounds above Reprizes, or shall be possessed of or entitled unto a clear Personal Estate of the Amount or Value of Three thousand Pounds; and if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, 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 by any such Person as a Trustee in the Execution of this Act, previous to his being convicted of the said Offence, shall be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees to  
take an Oath.

V. 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 or Affirmation next herein-after mentioned) 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 authorized and empowered to administer and receive the same), in the Words or to the Effect following; (that is to say),

Oath.

‘ I *A. B.* do swear, [*or*, being One of the People called *Quakers*, do so-  
 ‘ lemnly, sincerely, and truly declare and affirm], That I am in my  
 ‘ own Right [*or*, in Right of my Wife] truly and *bonâ fide* seised or pos-  
 ‘ sessed of, and in the actual Possession or Receipt of the Rents and Pro-  
 ‘ fits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of  
 ‘ the clear yearly Value of One hundred Pounds above Reprizes [*or*, in  
 ‘ the case of an Heir Apparent, that I am Heir Apparent of *C. D.* who,  
 ‘ to the best of my Knowledge and Belief, is truly and *bonâ fide* seised or  
 ‘ possessed of, and in the actual Possession or Receipt of the Rents and  
 ‘ Profits of Messuages, Lands, Tenements, Tythes, or Hereditaments, of  
 ‘ the

the clear yearly Value of Three hundred Pounds above Reprizes, or, in the Case of Personal Estate, that I am truly and bona fide possessed of a clear Personal Estate of the Amount or Value of Three thousand Pounds] and that I will truly and faithfully execute the Powers and Trusts reposed in me by an Act, passed in the Thirty-ninth Year of the Reign of His Majesty King George the Third, intituled, *An Act for more effectually amending, improving, and keeping in Repair, the Road from Gateshead, in the County of Durham, to the Church Lane, near Ryton Lane Head, and from the Bar Moor, to the Hexham Turnpike Road, near Dillston Bar, in the County of Northumberland; and also several other Roads therein described, lying within the said Counties.*

So help me GOD.

VI. And be it further 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 under this Act; and 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 holding Places of Profit shall not act.

Trustees, who are Justices, may act in both Characters.

VII. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet at the *George Inn, at Gateshead, on Thursday the Eleventh Day of July* next, at Eleven of the Clock in the Forenoon, and to 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 such Place near to the said Roads, as they, or any Five or more of them, shall think proper; and if at any Meeting to be held by virtue of this Act, there shall not appear a sufficient Number of Trustees to adjourn to another Day, (Two Trustees being hereby declared to be sufficient for the Purpose of Adjournment only), 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 Meeting, appoint the Trustees to meet at the Place where the last Meeting was held, or was to have been held, 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 any Five or more of 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 some House near the said Roads 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

Meetings appointed.

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

If the Clerk neglect or omit to call such Meetings, Trustees may do it.

Hours of Meeting for Business.

The Trustees to defray their own Expences.

[Loc. & Per.]

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Orders

Orders to be made at Meetings only, and a Majority of Trustees present to concur therein.

Orders not to be revoked, unless Nine Trustees are present, and previous Notice given of the Intention to revoke such Orders.

Meetings on Emergencies.

Power to continue and erect Toll Gates.

Turnpikes, &c. vested in Trustees.

Orders 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 or Determination shall be made unless a Majority of the Trustees present at a Meeting shall concur therein; nor shall any such Order or Determination be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present, and unless the Person or Persons applying to have any such Order 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.

VIII. And be it further enacted, That if after any Adjournment of the said Trustees, it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment; in that Case the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by Three or more of the acting Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purport of such intended Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time not being less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the Trustees at every such Meeting shall be as valid and effectual as they would have been in case the same had been held in pursuance of Adjournment.

IX. And be it further enacted, That the said Trustees, or such other Person or Persons as they, or any Five or more of them, shall direct or appoint, shall and may continue, or build and erect, or cause to be continued, built, and erected, such and so many Toll Gates or Turnpikes in, upon, or across, or on the Side of any Part or Parts of the said Roads, and across any Lane, Road, or Way, leading into or out of the same, and also a Toll House to each Gate or Turnpike, with Outbuildings suitable thereto, and also shall and may inclose such convenient Gardens to the said Toll Houses as the said Trustees, or any Five or more of them, shall think fit; and may cause any of such Toll Gates or Turnpikes, Toll Houses, and Outbuildings, from Time to Time to be taken down, altered, or removed, as they, or any Five or more of them, shall judge proper.

X. And be it further enacted, That the Right, Interest, and Property of all the said Toll Houses, Turnpikes, and 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 and making the same respectively, and also all the Materials which shall be got or collected for repairing the said Roads, shall be, and are hereby vested in the said Trustees, and they, or any Five or more of them, shall and may sell and dispose thereof, and apply the Monies arising by such Sale in such Manner, and for such Uses and Purposes as the said Tolls are by this Act directed to be applied and disposed of; and the said Trustees, or any Five or more of

of them, shall and may, in their own Names or in the Name of their Clerk or Treasurer, 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, Turnpikes, Gates, Posts, or Rails, which have been or shall be built, erected, or provided by virtue of the said former Act, or this present Act, or any of the Materials herein-before mentioned.

XI. And be it further enacted, That the following Tolls shall be demanded and taken at each and every of the Toll Gates, Turnpikes, or Side Gates to be erected by virtue of this Act (except as herein-after is excepted) by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Beast, Cattle, or Carriage whatsoever, shall be permitted to pass through the same; (that is to say),

Power to take  
Tolls.

For every Coach, Chariot, Landau, Berlin, Chaise, Curricule, Phaeton, Calash, Chair, Hearse, or other such Carriage, drawn by Six Horses or other Beasts of Draught, the Sum of Two Shillings; and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Two Horses or other Beasts of Draught, the Sum of Ninepence; and drawn by One Horse or other Beast of Draught, the Sum of Sixpence:

Tolls.

For every Horse, Mare, Gelding, Mule, Ass, or Beast of Burden, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Sixpence *per* Score, and so in Proportion for a greater or less Number:

For every Drove of Calves, Hogs, Goats, Sheep, or Lambs, the Sum of Three-pence *per* Score, and so in Proportion for a greater or less Number:

For every 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 flat or level Surface of that Breadth, and drawn by Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Nine-pence; and drawn by Four or Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Three-pence:

For every 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      Inches, and rolling a flat or level Surface of that Breadth, and drawn by Four or Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, Oxen or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Three-pence:

For every 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 flat or level Surface of that Breadth, and drawn by Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings; and drawn by Four or Five Horses the Sum of Two Shillings and Sixpence; and drawn by Four, Five, or Six Oxen only, the Sum of One Shilling and Nine-pence; and drawn by Three Horses, the Sum of One Shilling and Sixpence; and drawn

drawn by Two Horses and One Ox, or Two Oxen and One Horse, or Two Horses only, the Sum of One Shilling and Three-pence; and drawn by One Horse, the Sum of Nine-pence:

For every 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 a flat or level Surface of that Breadth; and drawn by Four, Five, Six, Seven, or Eight Horses or Oxen, the Sum of Two Shillings; and drawn by Three Horses, the Sum of One Shilling and Three-pence; and drawn by Two Horses and One Ox, or Two Oxen and One Horse, or Two Horses only, the Sum of One Shilling; and drawn by One Horse, the Sum of Sixpence:

For every 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, and drawn by Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Nine-pence; and drawn by Four or Five Horses, the Sum of Three Shillings; and drawn by Four, Five, or Six Oxen only, the Sum of Two Shillings; and drawn by Three Horses, the Sum of Two Shillings; and drawn by Two Horses and One Ox, or Two Oxen and One Horse, the Sum of One Shilling and Sixpence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by One Horse, the Sum of Nine-pence:

For every 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, and drawn by Six, Seven, or Eight Horses, Oxen, or other Beasts of Draught, the Sum of Three Shillings and Sixpence; and drawn by Four or Five Horses, the Sum of Two Shillings and Sixpence; and drawn by Four, Five, or Six Oxen only, the Sum of Two Shillings; and drawn by Three Horses the Sum of One Shilling and Sixpence; and drawn by Two Horses and One Ox, or Two Oxen and One Horse, the Sum of One Shilling and Three-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Three-pence:

And 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, and for every the like Carriage, the Soles or Bottoms of the Fellies of the Wheels whereof are of the Breadth or Gauge of Three Inches or less, and the Lading whereof shall exceed the Weight of One hundred and twenty Stones, Double the Tolls or Sums of Money herein-before 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.

Compelling Payment of Tolls.

Which said respective 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 herein-after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand thereof made by any Collector or Collectors appointed



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, Harness, or Accoutrements thereof respectively; and the Collector or Collectors so distraining shall and may, at his or their Election, either detain and keep the Horse, Cattle, Beast, Carriage, 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, 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.

XII. Provided always, and be it further enacted, That no more than One Third of the several and respective Tolls hereby granted, shall be demanded or taken of any Person for the Passage of any Horse or Horses, or other Beast drawing any Carriage, or of any Oxen, Cows, or Neat Cattle, Calves, Hogs, Goats, Sheep, or Lambs, through any Turnpike or Turnpikes, Toll Gate or Toll Gates, to be erected by virtue of this Act between *Lobley Hill*, in the Parish of *Wickham*, in the County of *Durham* and *Gateshead* aforesaid, and which on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), shall have passed through, or shall pass through any Toll Gate or Turnpike upon *Lobley Hill Road*, nor shall any more than One Halfpenny be demanded or taken of any Person for the Passage of any Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, through any Toll Gate or Toll Gates, Turnpike or Turnpikes, to be erected by virtue of this Act as last aforesaid, and which on the same Day, to be computed as aforesaid, shall have passed or shall pass through any Toll Gate or Turnpike on the *Lobley Hill Road* aforesaid, any Thing herein-before contained to the contrary hereof notwithstanding; and if any Person shall claim or take the Benefit of either of the said Exemptions from the Payment of the full Tolls hereby granted, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, nor less than Forty Shillings.

Directing what Tolls shall be paid by Persons to or from the *Lobley Hill Road*.

XIII. Provided also, and be it further enacted, That for the Passage through any of the said Turnpikes or Toll Gates of any Carriage whatsoever, or of any Horse, Mare, Gelding, Mule, or Ass, not drawing, employed in carrying Hay or Corn in the Straw, Limestones or Lime to be used for the Manurance of Land only, Coal to be used in the burning of Lime only, Dung, Mould, Compost or other Manure whatsoever, no more than One Half of the Tolls imposed by this Act upon any such Carriage, Horse, Mare, Gelding, Mule, or Ass, when otherwise employed, shall be demanded and taken; and that if any Person or Persons shall take the Benefit of this Exemption not being entitled thereto, every

Carriers of Coals for Fuel, &c. to pay only One Half of the Tolls.

[*Loc. & Per.*]

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such

such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings.

Tolls to be taken at the Gate on *Swalwell* Bank, for Horses, &c. conveying Coals for the Use of the Iron Foundry at *Swalwell*.

XIV. Provided nevertheless, and be it further enacted, That no more than One Penny Halfpenny shall be demanded or taken for any Horse, Ox, or other Beast, drawing any Carriage employed in carrying Coals to be used in carrying on the Iron Foundry at *Swalwell*, for passing through any Toll Gate or Turnpike, Toll Gates or Turnpikes, continued or erected by virtue of this Act upon *Swalwell* Bank, and that any Person having paid the said Toll of One Penny Halfpenny for such Horse, Ox, or Beast, at such Gate or Turnpike, shall be permitted to pass and repass through the same, with the same Horse, Ox, or Beast, Toll free, Three Times in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, but shall be subject to pay the said Toll for passing a Fourth Time with such Horse, Ox, or Beast, through the said Gate or Turnpike, and so *toties quoties*, any Thing herein contained to the contrary hereof notwithstanding; and if any Person shall claim or take the Benefit of this Exemption from the Payment of the full Toll hereby granted, not being entitled thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Directing what Toll shall be paid between any Part of *Swalwell* and the West End of the Village of *Wickham*.

XV. Provided also, and it is hereby further enacted, That no more than One Third Part or Proportion of the several Tolls herein specified or mentioned, shall be demanded or taken for any Horses, Cattle, or Carriages whatsoever, or for any Oxen, Cows, or Neat Cattle, Calves, Hogs, Goats, Sheep, or Lambs, (excepting Horses, Mares, or Geldings, not drawing, for which One Halfpenny shall be respectively demanded and taken, and no more), respectively passing backwards or forwards between any Part of *Swalwell* or *Swalwell* Repository, and the West End of the Village of *Wickham* only, or repassing on the same Day along the same; and if any Person shall claim or take the Benefit of either of the said Exemptions from the Payment of the full Toll hereby granted, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings; any Thing herein contained to the contrary notwithstanding.

For settling Disputes concerning Tolls.

XVI. And be it further enacted, That if any Dispute shall happen about any Tolls due, or the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining to retain such Distress, or the Money arising from the Sale thereof, as the Case shall happen, until 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 One Justice of the Peace for such of the Counties of *Durham* and *Northumberland* as the Cause of Dispute shall arise in, who, upon Application made to him for that Purpose, shall examine the Matter by Oath of the Parties, or of a Witness or Witnesses, which Oath or Affirmation the said Justice is hereby authorized to administer, and shall determine the Quantity of the Toll due, and also assess the Charges of such Distress and Sale, and of the Collectors and Witnesses Attendance upon the said Justice; all which Sums so determined and assessed.

assessed shall be paid to or retained by the said Collector, before he shall be obliged to return the said Distress, or the Overplus after the Sale thereof, or any Part thereof.

XVII. And be it further enacted, That in case any Dispute, Suit, Action, Prosecution, 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 be, and are hereby declared to be competent to give Evidence in any such Dispute, Suit, Action, Prosecution, or Litigation.

Collectors of  
Tolls com-  
petent Wit-  
nesses.

XVIII. Provided nevertheless, and be it enacted, That One or more Toll Gate or Toll Gates, Turnpike or Turnpikes, shall be erected and continued between *Lobley Hill*, in the said County of *Durham*, and *Gateshead* aforesaid, and another Toll Gate or Turnpike shall be erected and continued at or near *Low Team Bridge*, in the said County of *Durham*, but no more than One Toll shall be demanded or taken from any Person or Persons for passing the same Day with the same Horses, Cattle, Beasts, or Carriages, through all the Toll Gates or Turnpikes continued or erected by virtue of this Act at or between *Darwent Bridge*, in the said County of *Durham*, and *Gateshead* aforesaid.

Directing  
what Toll  
Gates shall be  
erected on cer-  
tain Parts of  
the Road.

XIX. 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 repassing with the same Horse, Beast, Cattle, or Carriage, as often as he, she, or they shall have Occasion, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, through the same Gate where such Toll shall have been so paid, such Person or Persons producing a Ticket of the Day denoting such Payment; all which Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll, except such Carriages as shall be laden with Copper, Iron, Iron Ore, Lead, Lead Ore, Coals, Timber, Lime, Cinders, or Stones, which shall not pass through any Toll Gate or Turnpike oftener than Thrice in the same Day without again paying the Toll by this Act imposed, (except as herein-before mentioned).

Tolls to be  
paid but Once  
a Day.

XX. 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 Waggon, Wain, Cart, or other Carriage, which shall be laden with or going empty for, or returning empty after having been laden with Stones, Bricks, Lime, Timber, or Wood, or with Gravel or other Materials for repairing the said Roads, or any of the Highways in the Parishes, Townships, or Places in which the same Roads lie; or with Hay, Corn in the Straw, or Fodder, to be laid up in the Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, through which the said Roads lead, such Hay, Corn in the Straw, or Fodder, being the Product of Lands and Grounds lying within such Parishes, Townships,

Exemptions  
from Tolls.

ships, or Places, or some of them; nor shall any Person or Persons be chargeable with or liable to pay any of the Tolls aforesaid for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever belonging to or employed by such Inhabitants respectively only in Husbandry, or stocking of Lands lying within the several Parishes, Townships, or Places, adjoining to the said Roads; nor for any Waggon Horses employed upon any Waggon Way that does or shall cross the said Roads or lie on the Sides thereof, when going to or returning from their Work on such Waggon Ways; nor shall any Toll be demanded or taken from any Person or Persons residing in any of the said Parishes, Townships, or Places, in which the said Roads hereby directed to be repaired lie, who shall pass through any of the said Toll Gates or Turnpikes to or from Church, Chapel, or other Place of Religious Worship, within their respective Parishes, Townships, or Places, tolerated by Law, on *Sundays*, or on any other Day on which Divine Worship is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes, Townships, or Places; nor shall any Toll be demanded or taken of or from any Rector, Vicar, or Curate, going to or returning from his own Parish Church or publick Place of Divine Worship, or visiting his sick Parishioners; nor for the Horses or other Cattle belonging to any of the Inhabitants of any of the Parishes, Townships, or Places, through which the said Roads lead, going to or returning from Pasture or Watering Places, belonging to such Parishes, Townships, or Places; or for any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or returning back therefrom; or for the Horses belonging to Officers or Soldiers upon their March or on Duty, or for Waggons, Carts, or Carriages attending them or laden with their Arms or Baggage; or for Horses, Carts, or Carriages, travelling with Vagrants sent by legal Passes, or in returning from carrying such Vagrants; or for any Coaches, Berlins, Landaus, Chariots, Curticles, Phaetons, Chaises, Calashes, Chairs, or Litters, or Passengers on Horseback, going to or returning from any Election of a Knight of the Shire for the respective Counties of *Durham* or *Northumberland*, during the Time of such Election, or on the Day before or on the Day after such Election shall begin or be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Waggons,  
 &c. having  
 the Fellies  
 of their  
 Wheels of  
 less Breadth  
 than Six  
 Inches, at  
 what Time to  
 pay double  
 Tolls.

XXI. And be it further enacted, That for every Wain, Waggon, Cart, or other Carriage, (except such as shall pass to or from the *Lobley Hill* Road, or to or from the Repository at *Swalwell*), having the Fellies of their Wheels of less Breadth than Six Inches, passing through any Toll Gate or Toll Gates, Turnpike or Turnpikes, erected or to be erected upon the said Roads, or on the Sides thereof, at any Time between the First Day of *November* and the First Day of *May*

in every Year, there shall be demanded and taken, at each and every of the said Toll Gates or Turnpikes through which such Wain, Waggon, Cart, or other Carriage shall pass, double the Tolls or Sums of Money herein-before respectively made payable for every such Wain, Waggon, Cart, or other Carriage, at any other Time of the Year; any Thing in this Act contained to the contrary thereof notwithstanding.

XXII. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land or Ground adjoining to or lying near any Toll Gate or Turnpike continued or erected by virtue of this Act, the same not being a common Road, or if any Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls, or any Part or Parts thereof, shall be evaded; or if any Person or Persons shall give to or receive from any Person other than the Collectors of the said Tolls, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the said Tolls; or shall forcibly pass through any Toll Gate or Turnpike with any Horse, Cattle, Beast, or Carriage, without Payment of Toll; or shall take off or cause to be taken off any Horse or other Cattle or Beast, from any Waggon, Wain, Cart, or Carriage, or shall leave or cause to be left upon or near to any Part of the said Roads, or at or in any House situate near the same, any Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Beast, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be evaded; or if any Person or Persons shall unload or cause to be unladen any Goods, Wares, or Merchandizes from any Waggon, Wain, Cart, or Carriage, whereby larger Quantities of such Goods, Wares, or Merchandizes shall be carried through any of the said Toll Gates or Turnpikes in one and the same Day, than would have been done if such Goods, Wares, or Merchandizes had not been so unladen; or if any Person or Persons, after travelling along any Part of the said Roads with any Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Beast, shall turn out of the same into any other Road, and afterwards proceed with such Waggon, Wain, Cart, or Carriage, Horse, Cattle, or Beast, into and upon the said Roads hereby enacted to be repaired, whereby the Payment of any of the said Tolls, or of any Part thereof, shall be evaded, every Person offending in all or any of the Cases aforesaid, shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, nor less than Ten Shillings.

Penalty on  
evading the  
Tolls.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, 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 continued or erected upon the said Roads, which Composition Money shall be paid in Advance, and in Default thereof the Composition or Agreement with the Person or Persons making such Default, shall from thenceforth be void; and such

Trustees may  
compound for  
Toll.

[Loc. & Per.]

8 E

Composition

Composition Money shall be paid and applied in such Manner as the Tolls are hereby directed to be paid and applied.

Power to lease  
the Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, 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 advertising the same in any 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 a Time, for the best Price that can be gotten for the same, payable at such Times and under such Covenants as the said Trustees, or any Five or more of them, shall think fit, they the said Trustees having a Counterpart of such Lease or Leases, and taking such sufficient Security from the Person or Persons to whom any such Tolls shall be leased or demised; for Payment of the Rents and Performance of the Covenants to be reserved and comprised in such Lease or Leases, as the said Trustees, or any Five or more of them, shall think fit.

Tolls may be  
varied.

XXV. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby authorized and empowered from Time to Time, when and as often as they shall think proper, to lessen, vary, or alter, all or any of the Tolls hereby granted, at all or any of the Toll Gates or Turnpikes, and to cause the same to be collected in such Manner, Parts, and Proportions, as they shall think fit, and to raise the same again, so as they do not exceed the Tolls by this Act granted, and so as every Reduction thereof be made with the Consent of the several Persons who shall then be entitled to Three Fifth Parts of the Money then due on the 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 all the Newspapers published at *Newcastle-upon-Tyne*.

Trustees to  
appoint Offi-  
cers.

XXVI. And be it further enacted, That the said Trustees, or any Five or more of them, at their First or any subsequent Meeting, as Occasion shall require, shall and may, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall be 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 Execution of his or their Office or Offices, as the said Trustees, or any Five or more of them, shall think fit, and also a Surveyor or Surveyors, and such other Officers as they the said Trustees, or any Five or more of them, 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, or any Five or more of them, shall see Occasion; and the said Trustees, or any Five or more of them, 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

and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees, or any Five or more of them, shall seem proper; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or to such Person or Persons as they, or any Five or more of them, 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 shall verify the Accounts upon Oath if thereunto required by the said Trustees, or any Five or more of them, (which Oath any One of the said Trustees is hereby empowered to administer), and also 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, or any Five or more of them, 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 verify the Articles thereof upon Oath, 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 any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall appoint, within Ten Days after being thereunto required by the said Trustees, or any Five or more of them, or by such other 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, Complaint being made by the said Trustees, or any Five or more of them, 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 authorized and required, by Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his or their appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Trustees, or any Five or more of them, 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, 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,

Officers to account,

or be punished.

said, or to verify the Truth of such Accounts, and of the Articles thereof, on Oath 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 either of the Cases aforesaid, the said Justice may, and is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol or House of Correction of the County or Place where he or they shall live or reside, there to remain, without Bail or Mainprize, until he or they shall have delivered in and settled his or their Accounts, and have verified the same upon Oath, and shall have delivered up 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, or any Five or more of them, for the same, and paid the Composition Money to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Trustees, or any Five or more of them, 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, or any Five or more of them: 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, etc. by virtue of former Act, to account with Trustees in like Manner.

XXVII. Provided always, 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 as are herein-before directed to account.

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

XXVIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls shall grossly neglect or be incapable of performing his Duty, or shall abscond or absent himself, any Three or more of the said Trustees, although not assembled at a Meeting of the said Trustees appointed by virtue of this Act, shall and may lawfully discharge such Collector or Receiver so neglecting or being incapable of performing his Duty, or absconding or absenting himself, and in such Case, and also in case any such Collector or Receiver shall die, such Trustees shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the then next Meeting of the said Trustees, in the Stead of such Collector or Receiver as shall die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner, in all Respects, as the Person who shall so die or be discharged would have had or would have been subject to; and that if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or Representatives of any Collector or Receiver who shall die



or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll House or Building erected on the said Roads for the Space of Four Days after Demand thereof made, and Notice in Writing given for that Purpose by any Three or more of the said Trustees, although not assembled at a Meeting, or by their Clerk or Clerks, Treasurer or Treasurers for the Time being, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the County or Place, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter such House or Building in the Day Time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Three or more of them, or such new appointed Collector or Receiver into the Possession thereof.

XXIX. Provided also; and be it further enacted, That no Trustee shall be capable of voting upon a Vacancy of any Office or Place of Trust held under the said Trustees, unless such Person shall have attended and been present at some Meeting of the said Trustees, and have acted as a Trustee within the Space of Twelve Calendar Months next preceding such Vacancy.

No Trustee to vote for Officers who has not acted within a Year.

XXX. And be it further enacted, That the said Trustees, or any Five or more of them, shall and are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices, as they the said Trustees, or any Five or more of them, shall think proper.

Treasurer, etc. to give Security.

XXXI. And be it further enacted; That the said Trustees, or any Seven or more of them, shall and may, and are hereby empowered from Time to Time, 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, (the Costs and Charges of assigning the same to be borne and paid out of the said Tolls), for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money which they shall think necessary for repairing the said Roads, and for the several other Purposes of this Act, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Re-payment thereof, with such Interest as shall be agreed upon for the same, which Writing or Writings may be made in the Form following, or in any other Words to the like Effect; (that is to say);

Trustees may borrow Money.

BY virtue of an Act made in the Thirty-ninth Year of the Reign of His Majesty King George the Third, intituled, [*here set forth the Title of the Act*], We, 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 grant, bargain, sell, and assign, unto the said *A. B.* his Executors, Administrators, and  
 [Loc. & Per.] 8 F Assigns,

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

' Assigns, such Proportion of the Tolls to arise upon the said Roads, and  
 ' of the Turnpikes and Toll Houses already or hereafter to be erected  
 ' for collecting the same, as the said Sum of  
 ' doth or shall bear to the whole Sum now or hereafter to become due  
 ' and owing on the Credit thereof, to be had and holden from the Day  
 ' of the Date hereof, for and during the Continuance of the said Act,  
 ' unless the said Sum of \_\_\_\_\_ with Interest after the Rate  
 ' of *per Centum per Annum*, shall be sooner repaid and satisfied.  
 ' Given under our respective Hands and Seals, this \_\_\_\_\_ Day of  
 ' \_\_\_\_\_ in the Year of our Lord

No Money to  
 be borrowed  
 after the First  
 Meeting, un-  
 less Notice be  
 given for that  
 Purpose.

But no Money shall be borrowed by the said Trustees on the Credit of  
 the Tolls hereby granted after their First Meeting, unless Notice be  
 for that Purpose fixed, in Writing under the Hand of the Clerk 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  
 such Money.

Assignments  
 or Mortgages  
 to be entered.

XXXII. And be it further enacted, That all and every the Assign-  
 ment 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 Treasurer to the said Trustees, which said Book or Books  
 shall and may be seen and perused at all seasonable Times without Fee or  
 Reward.

Mortgages  
 may be trans-  
 ferred.

XXXIII. 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 of the Seventeenth Year of the Reign  
 of His present Majesty, or to whom any Assignment shall be made by  
 virtue of this Act, or who shall be entitled to the Money secured by the  
 said Acts, or either of them, shall and may from Time to Time, by  
 proper Words of Assignment to be indorsed on the Back of his, her, or  
 their Security, or by any other Writing or Writings under his, her, or  
 their Hand and Seal, or Hands and Seals, to be duly executed in the Pre-  
 sence 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 whom-  
 soever, which Assignment or Transfer may be made in the following  
 Words, or Words to the like Effect; (that is to say),

' I The within named *A. B.* [or, I *C. D.* Assignee, Executor, or Ad-  
 ' ministrator, of the within named *A. B. as the Case may happen*] do  
 ' hereby assign and transfer this Mortgage Security, with all my Right  
 ' and Title to the Principal Money thereby secured, with all Interest now  
 ' due and hereafter to grow due upon the same, unto *E. F.* of  
 ' his Executors, Administrators, and Assigns. Dated this \_\_\_\_\_ Day  
 ' of \_\_\_\_\_ in the Year of our Lord  
 ' Witness to the }  
 ' signing hereof }

Which Transfer shall be produced and notified to the said Clerk and  
 Treasurer within Three Calendar Months next after the Day of the  
 Date

Date thereof, who shall enter the same in the said Book or Books to be kept for entering the original Mortgages, for which Entry the said Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit of such Mortgage Security, and every such Assignee may in like Manner assign and transfer the same, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred, his, her, or their respective Executors or Administrators) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Transfer has been or shall be made as aforesaid, shall, in Proportion to the Sum or Sums of Money thereby secured, be Creditors on the Tolls by this Act granted, and on the said Turnpikes and Toll Houses, in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their respective Securities, and that whenever the said Trustees shall be enabled to pay off any of the Money which has been or shall hereafter be borrowed as aforesaid, they shall ascertain the Securities to be first paid off, by Ballot, in such Manner as they, or any Five or more of them, shall think proper.

XXXIV. 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, 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 upon the same, and of executing the other Purposes of this Act; in the Third Place, in paying the Interest accruing upon the several Principal Sums of Money which now are or shall hereafter from Time to Time be secured in pursuance of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been by the said former Act, and shall be secured in pursuance of the present Act, in the Manner and Course herein-before directed or mentioned.

Application of  
the Money.

XXXV. 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 Waste or Common, River or Brook, (not being within the Distance of Thirty  
Yards

For getting  
Materials.

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 Waste or Common, River or Brook, (not being within the like Distance from any Bridge, Dam, Weir, or Jetty), in any neighbouring Parish, Town, Village, or Hamlet, without making any Recompence for the same, the said Surveyor and Surveyors filling up, fencing, or levelling all such Pits and Holes as shall be made or occasioned by the digging for or taking away 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, or any Five or more of them, shall think fit and reasonable; and in case the said Trustees, or any Five or more of them, shall be of Opinion that such Materials cannot conveniently be gotten from such Wastes, Commons, Rivers, and Brooks as aforesaid, on account of the Distance thereof from the said Roads, or for any other reasonable Cause, that then it shall be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, 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, Paddock, Park, planted Walk, or Avenue to any House, or inclosed Ground, planted, set apart, or used as a Plantation or Nursery for Trees, where such Materials are and may be found, 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, or erecting, making, or repairing any such Buildings, Bridges, Conduits, or Walls respectively as aforesaid, paying such Recompence 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, or any Five or more of them, shall judge reasonable; and in case of any Difference between such Owners and Occupiers, or any of them, and the said Trustees, touching any of the Damages aforesaid, the Justices of the Peace for the respective 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, at their General Quarter Sessions of the Peace to be holden in and for the same County or Counties next after such Difference, on Ten Days Notice being given by either Party to the other in Writing, shall and may assess, adjudge, and finally determine the same, in such Manner as they shall think fit and expedient.

Notice to be given to Occupiers of private Grounds before any Materials are taken therefrom.

XXXVI. Provided always, and be it further enacted, That it shall not be lawful for such Surveyor or Surveyors, or such other Person or Persons as aforesaid, under the Authority of this Act, to dig, gather, take, or carry away any such Materials as aforesaid, for any of the Purposes of this Act, in or from any inclosed Lands or Grounds, until after Twenty-one Days Notice in Writing, signed by the said Surveyor or Surveyors, or some other Officer or Officers of the said Trustees, shall have been given to the respective Owners or Occupiers of the Lands or Grounds  
from

from which such Materials are intended to be taken, or left at their usual Place of Residence, to appear before the said Trustees, or any Five or more of them, or One or more Justice or Justices of the Peace acting for the County in which such inclosed Lands lie, at a certain Time and Place specified in such Notice, to shew cause why such Materials shall not be taken away; and in case such respective Owners or Occupiers shall, by themselves or their respective Agents, attend pursuant to such Notice, the said Trustees, or any Five or more of them, or such Justice or Justices shall, if they or he shall think proper, authorize such Surveyor or other Officer, to dig, gather, take, and carry away such Materials, at such Time or Times as to such Trustees, or 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, the said Trustees, or any Five or more of them, or such Justice or Justices shall and may make such Order therein as they or he shall think fit, as fully and effectually, to all Intents and Purposes, as if such respective Owners or Occupiers had attended in Manner aforesaid.

XXXVII. And be it further enacted, That if any Person or Persons 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 nor less than Forty Shillings.

Penalty on taking away Materials got by Surveyors.

XXXVIII. 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 remove and 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 turn any Watercourses, Gutters, Conduits, or Drains running into the same Roads to the Prejudice thereof, and to open, scour, and cleanse, deepen and enlarge, any Gutter, Ditch, Conduit, or Watercourse adjoining or near to the said Roads, or any Part or Parts thereof respectively; and also to cut down, top, or lop, any Trees, Branches, or Bushes growing in the Hedges, Fences, or Grounds adjoining thereto, (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, or any Five or more of them, shall be reimbursed to the said Surveyor or Surveyors by such respective Owners or Occupiers neglecting to cut down such Trees, Branches, or

Surveyors may remove Annoyances.

[Loc. & Per.]

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Bushes,

Bushes, or by the Person or Persons occasioning, or neglecting or refusing to remove such Annoyances as aforesaid, which Charges shall be levied and recovered in the same Manner as Forfeitures and Penalties are herein-after directed to be levied and recovered; and if after the Removal of any such 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 Three Pounds nor less than Forty Shillings.

Penalty on Persons laying down Lead, Dung, etc. near Gates.

XXXIX. Provided also, and be it enacted, That no Lead, Dung, Ashes, Compost, Manure, or other Thing, shall be unloaded and laid down near to any Toll Gate or Turnpike erected or to be erected on the said Roads, or near to the Sides thereof, and afterwards reloaded and led along the said Roads, or any Part thereof, upon Pain that the Owner or Owners of such Carriages, or the Driver or Drivers thereof, shall forfeit and pay, for the First Offence, any Sum not exceeding Twenty Shillings nor less than Ten Shillings, and for every subsequent Offence, any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

Surveyors may make Causeways, Drains, etc.

XL. 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, or of any Five or more of them, to make Causeways in or along the Sides of the said Roads, and to cut and make Drains or Watercourses 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, 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, planted Walk, or Avenue to any House, or a Plantation or Nursery of 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, or any Five or more of them, 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 the Justices of the Peace for the County wherein the Matter of Difference shall arise, at their General Quarter Sessions of the Peace to be held for such County next after such Difference shall arise.

Trustees may widen, divert, &c. the Roads.

XLI. And be it further enacted, That the said Trustees, or any Five or more of them, shall have full Power and Authority from Time to Time

Time to widen the said Roads, and to divert, turn, or alter the Course or Path 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, or any Five or more of them, to treat, contract, and agree, with the Owners of and Persons interested in any private Grounds or Hereditaments, for the Purchase thereof, or for the Loss or Damage such Owners and Persons interested, or any of them, shall or may anyways sustain by such widening, turning, or altering any Part or Parts of the said Roads; and it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or in Behalf of any Infant, Feme Covert, Cestuique Trust, and for all and every Person or Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey to them, or any Five or more of them, all or any of such Lands or Hereditaments as Occasion shall be or require; and all Contracts, Sales, and Conveyances which shall be so made, shall, without any Fine or Fines, Common Recovery or Common 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 Politick, 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 Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or any other Person or Persons interested in any such Lands, Grounds, 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 Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands 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 in any such Case the said Trustees, or any Five or more of them, shall cause it to be enquired into and ascertained by and upon the Oath of a Jury of Twelve indifferent Men of the County wherein such Lands, Grounds, or Hereditaments do lie (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or Proprietors, or other Person or Persons interested, for or on Account of the taking of such Lands, Grounds,

Corporations and incapacitated Persons empowered to sell, &c.

On Refusal to sell, a Jury to settle the Recompence.

Grounds, or Hereditaments, into the said Roads, or turning any Part or Parts of such Roads into the same Lands, Grounds, or Hereditaments, and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath any Two 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, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine 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, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, in Fee or in Tail General or Special, Reversion or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, as well as all other Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons anyways interested in such Lands, Grounds, 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, or any Five or more of them, are hereby empowered to issue their Warrant or Warrants to the Sheriff of the County wherein the Lands, Grounds, or Hereditaments in question as aforesaid do lie, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Trustees, or any Five or more of them, 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 Two or more of them, shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid, 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

Their Verdict  
to be final.

Sheriffs to  
summon  
Juries.



the Array; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises; and on any of the Persons that shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn refusing to give or not giving his Verdict, or in any other Matter 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, 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 such Sheriff or his Deputy, nor the Sum of Forty Shillings upon any other Person for any One Offence.

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

XLII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the said Tolls, or out of the Monies borrowed on the Credit thereof, either into the Bank of *England*, or to the Parties or Persons respectively entitled thereto, or to their Agents, as the Case may require, as hereafter mentioned; and upon Payment thereof, or in case of Refusal to accept the same, upon leaving the same in the Hands of the Treasurer of the said Trustees for the Use of such Parties or Persons, and after Ten Days Notice thereof given to such Parties or Persons, or their Agents, such Lands or Hereditaments shall be laid into and made Part of the said Roads, in such Manner as the said Trustees, or any Five or more of them, shall direct, and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be, 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, are respectively by this or any other Law to be made and repaired, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands, Grounds, or Hereditaments; and after such new Road shall be completed, the Lands constituting such former Road, or any Part thereof, unless leading over some Moor or Waste Ground, or to some Village, Town, or Place to which such new Road doth not lead, shall be vested in the said Trustees for the Time being, and shall and may be sold and conveyed by the said Trustees, or any Five or more of them, 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, or any Five or more of them, 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 Roads, 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, or any Five or more of them, and inrolled in the Office of the Clerk of the Peace for the County

[*Loc. & Per.*] 8 H. wherein

Money allow-  
ed for Lands,  
&c. how to be  
charged and  
tendered.

wherein such Roads shall lie, 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, planted Walk, or Avenue to a House, or Plantation; or Nursery of Trees, without the Consent of the Owners or Proprietors thereof, and other Persons interested therein; any Thing herein contained to the contrary notwithstanding.

For disposing  
of Purchase  
Monies.

XLIII. And be it further enacted, That if any Money or Recompence shall be to be paid for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, such Money shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon, and subject to the like Uses, Trusts, and Limitations as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation, or other Person as aforesaid, so to be purchased, taken, or used for the Purposes of this Act, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money shall 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 Trustees for executing this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling and Exchequer Bills, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust with all

convenient Speed to be re-invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the said Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively, as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled by virtue of this Act.

XLIV. Provided always, and be it further enacted, That the Lords of Manors, and other Proprietors, shall have the same Interest and Property in and to the Soil and Royalties of or within such new Roads, as they were seised or possessed of or entitled unto in the former Roads, and in lieu whereof such new Roads shall be made; and that all Mines, Minerals, and Fossils, lying under any Grounds made use of for the Purposes of this Act, and not constituting any Part or Parts of the present Roads, as well as under the former Roads, shall continue to be the Property of the Person or Persons who would from Time to Time have been seised of or entitled to the same in case this Act had not been made; and in case the Owner of any such Ground shall require a Certificate from the said Trustees, of the Quantity and Situation of Ground so made use of, the said Trustees, or any Five or more of them, are hereby empowered and required to grant such Certificate *gratis*; and such Certificate may be inrolled in the Office of the Clerk of the Peace for the County wherein such Ground shall lie, and a true Copy thereof, signed by such Clerk of the Peace or his Deputy, shall be deemed legal Evidence of the same.

Lords of Manors, &c. to have the same Interest in the new as old Roads.

XLV. Provided also, That no Person shall act as a Trustee, in any Case relating to the contracting for or purchasing of any Lands, Grounds, or Hereditaments, wherein he shall be interested.

Trustees not to act concerning Purchases where interested.

XLVI. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Authority of this Act, shall give in and deliver a Verdict or Assessment for more Monies, as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any such Lands or Hereditaments, or for any such Loss or Damage, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right,

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

Right, Interest, or Property, or any Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, for ascertaining and determining the Value of any such Right, Property, or Interest, or the Losses or Damages sustained as aforesaid, shall be paid by the said Trustees; but if any Jury or Juries so summoned and sworn as aforesaid, shall give in and deliver a Verdict or Assessment for no more, or for less Monies than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury or Juries, as a Recompence or Satisfaction for any such Right, Interest, or Property in any such Lands 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 said Costs and Expences having been ascertained and settled by some Justice or Justices of the Peace for the County wherein such Lands, Grounds, or Hereditaments respectively shall lie, not being interested in the Matter in question, (who is and 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 and 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 upon Demand, after being so ascertained and settled as aforesaid, may be recovered by such Ways and Means as are herein-after provided for the Recovery of Penalties, Forfeitures, and Fines.

Persons absent to be charged with only Half the Expences.

XLVII. Provided always, and it is hereby declared, That in Cases where any Person or Persons shall by reason of Absence have been prevented from treating, One Half of such Costs and Expences shall be deducted out of the Purchase Money, and the other Half shall be paid by the said Trustees in Manner aforesaid.

Trustees to fence the new Roads.

XLVIII. 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 Grounds, the said Trustees, or any Five or more of them, 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 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.

Waggon Ways not to be damaged.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to authorize and empower the said Trustees to pull up, alter, damage, obstruct, or prejudice any Waggon Way, laid or to be laid across or near the said Roads, or any Part thereof, or to stop or obstruct any Horses going or returning with any Waggon laden with Coals, or empty, passing along the same Waggon Ways, but that the Owner or Occupier of any such Waggon Ways shall have the same Right and Power to use and enjoy the same, and to lay any new  
Waggon

Waggon Way or Ways from Time to Time as Occasion may require, and to do all such Acts and Things as are or shall be needful or necessary for the Purposes aforesaid, as fully and freely as if this Act had not been made.

L. 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, which have been accustomed or ought to be repaired and maintained by any particular Person or Persons, Bodies Politick or Corporate, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise, or by the said Counties of *Durham* or *Northumberland*, or either of them, or any Ward, Parish, or Township therein respectively, or otherwise howsoever, all and every such Part or 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 and Persons, Bodies Politick and Corporate, Counties, Wards, Parishes, or Townships, in such Manner as the same were respectively maintained and kept in Repair before the passing of this Act.

Lands liable to the Repair of Bridges, &c. to continue so.

LI. And, for determining Differences which may arise between the said Trustees and the Person or Persons, Bodies Politick or Corporate, County or Counties, or any Ward, Parish, or Township therein, touching when, how, and in what Manner such particular Part or Parts of the said Roads, or the Bridges, Arches, Drains, and Sewers lying in and upon the same, are or ought to be repaired and maintained as aforesaid, be it further enacted, That in case any such Difference shall arise, it shall be lawful for the Justices of the Peace of the said Counties of *Durham* or *Northumberland* respectively, wherein such Difference shall arise, and they are hereby respectively required and empowered, at any Petty or Special Sessions to be held within their said respective Counties, upon Application to them made by the said Trustees, or any Five or more of them, or by their Clerk or Clerks for the Time being, by their Direction, to adjudge and determine where, how, and in what Manner such particular Part or Parts of the said Roads, Bridges, Arches, Drains, and Sewers, shall from Time to Time be maintained and repaired by such Person or Persons, Bodies Politick or Corporate, County or Counties, or any Ward, Parish, or Township therein, who are or shall be chargeable or liable to repair the same by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise howsoever.

To determine Differences between the Trustees and Persons liable to such Repairs.

LII. 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.

Persons liable to the Repair of Roads to continue so.

LIII. And, for preventing Differences which may arise touching what Part of the Statute Work ought to be done and performed on the said Roads by the several Inhabitants of the Townships, Parishes, and Places, through which the same Roads do lead; be it enacted, That it shall be

Justices to apportion the Statute Work.

[*Loc. & Per.*]

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lawful

lawful for any Two or more Justices of the Peace for the respective Counties wherein any Part or Parts of the said Roads do lie, and they are hereby required and empowered, at any Petty or Special Sessions of the Peace, upon Application to them made by the said Trustees, or any Five or more of them, to adjudge and determine what Part or Proportion of the Statute Work shall yearly and every Year be done on the said Roads, by the Inhabitants of each or any of the Parishes or Townships in which the said Roads do lie, which Statute Duty shall be done and performed within the respective Parishes and Townships, and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors of the said Roads by them to be appointed, shall direct or require.

Surveyors of Highways to give in Lists yearly of Persons liable to Statute Work.

Highway Surveyors to summon Persons liable to Statute Work.

Penalty on Neglect.

Persons keeping Teams, and refusing to send them to work, to pay 10 s. a Day.

LIV. And be it further enacted, That the respective Surveyor and Surveyors of the Highways for the Time being, of all and every the Parish and Parishes, Townships, Places, and Divisions, in which the said Roads shall lie, shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand made to him or them in Writing, by the Surveyor or Surveyors, or by the Clerk or Treasurer of the said Roads to be appointed by the said Trustees, give and deliver in to the Person making such Demand, a true and exact List or Account in Writing, under his or their Hand or Hands, of the Christian and Surnames of all and every Person and Persons in the said respective Parishes, Townships, Places, and Divisions, who are by Law chargeable towards the repairing of the said Roads in any of the said Parishes, Townships, Places, or Divisions, and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and the said Parish or Township Surveyor or Surveyors for the Time being respectively, within Ten Days after Notice shall be given to them, or either or any of them, by the said Turnpike Surveyor or Surveyors, of the Time when, where, and how many of the Persons so chargeable as aforesaid, he or they would have to perform such, their respective Statute or Days Work so adjudged and appointed as aforesaid, in or upon any Part or Parts of the said Roads, shall summon or give publick Notice thereof in their respective Parish Churches or Chapels, or in such other Manner as shall be thought most convenient to the said Persons so chargeable as aforesaid, or otherwise according to the Laws now in that respect subsisting; and if any Parish or Township Surveyor or Surveyors shall refuse or neglect to do as he or they are hereby required and directed to do, or shall wilfully return incorrect or imperfect Lists, he or they, for every such Refusal or Neglect, or incorrect or imperfect Return, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings; and in case any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, Wain or Wains, and chargeable towards the repairing of the said Roads, shall, after such Summons or Notice given as aforesaid, neglect or refuse to send their respective Teams, Draughts, Carts, or Wains, furnished with Labourers, Oxen, or Horses, according to the Custom of the Country where such Work is to be performed, and proper Tools to do and perform such their respective Days Work upon the said Roads, so to be adjudged and appointed as aforesaid, he, she, or they so neglecting or refusing, shall forfeit and pay a Sum not exceeding Ten Shillings nor less than Five Shillings for every Day that each Team, Draught, Cart, or Wain, shall

be wanting, or not duly employed in the Service; and if any Labourer or other Person so chargeable towards repairing the said Roads, shall at any Time neglect or refuse (after such Summons or Notice as aforesaid) to do and perform such their respective Days Work upon the same Roads, they shall respectively forfeit and pay any Sum not exceeding Two Shillings and Sixpence, nor less than Two Shillings, for every Day's Neglect; and if any Person who shall, according to such Summons or Notice as aforesaid, come to work as Labourers, or shall be sent with any Team, Draught, Cart, or Wain, to work on the said Roads, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done, then and in such Case the Turnpike Surveyor or Surveyors may, and is and are hereby empowered and required to discharge and dismiss such Persons who shall be so found idle, negligent, or not doing their Work, and it shall be deemed and taken as if such Persons had not come, or as if such Team, Wain, Draught, or Cart, had not been sent to work on the said Roads, and they shall respectively be subject and liable to the respective Forfeitures and Payments before mentioned, in the same Manner as if they had neglected or refused to do and perform the said respective Days Work so ordered and appointed as aforesaid; which said Forfeitures shall be recovered, levied, and applied, as herein-after is mentioned.

Labourers not attending to pay 2 s. 6 d. a Day;

Those found idle to be subject to the like Payments.

LIV. And be it enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered to compound or agree by the Year or otherwise with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Roads, or with any Person or Persons for the Performance of his, hers, or their Statute Work thereon; and also that it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, and Places through which the said Roads shall lead, to compound and agree by the Year or otherwise with the said Trustees, or any Five or more of them, for and in lieu of the Statute Work to be performed by such Inhabitants upon any Part of the same Roads, all which Composition Monies aforesaid shall, from Time to Time, be paid in Advance, and shall be applied in Repair of the said Roads; and all such Surveyors shall be reimbursed the Monies by them paid in such Manner as herein-after mentioned.

Trustees may compound for Statute or other Work.

LVI. Provided always, and be it enacted, That in case any Composition Money agreed to be paid for or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, or Place, wherein the said Roads do lie, or in respect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure or otherwise as aforesaid, shall not be paid within Fifteen Days next after the same shall become payable according to such Composition or Agreement, that then it shall be lawful for the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace for the Counties of *Durham* or *Northumberland* respectively, wherein the said Parish, Township, or Place, shall be situated, by Writing under his or their Hand and Seal, or Hands and Seals, to empower the Person or Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition Money, (Oath having

Composition Monies how to be recovered.

having been first made that the same hath been demanded and remains unpaid, which Oath the said Trustees, or any Two or more of them, or the said Justice or Justices, are and is hereby empowered and required to administer), to levy such Composition Money by Distress and Sale of the Goods of the Person or Persons so having compounded for any Statute or Days Work, or for any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure or otherwise as aforesaid, or of the Surveyor or Surveyors of the Highways for the Time being of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any) to the respective Owners of the Goods so to be distrained, upon Demand, after the Charges of such Distress and Sale shall have been thereout deducted.

How Highway Surveyors are to be reimbursed the Composition Money.

LVII. Provided also, and be it enacted, That if the Surveyor or Surveyors of the Highways for the Time being of any Parish, Township, or Place, for or in respect of whose Statute or Days Work such Composition shall be made as aforesaid, shall pay the Composition Money, or if such Composition Money shall be recovered and received by Distress and Sale of his and their Goods and Chattels, in Manner herein-before directed; then and in either of the said Cases, such Surveyor or Surveyors shall be repaid and reimbursed the Composition Money, which shall be so paid by or recovered of him or them as aforesaid, together with the Costs and Charges of such Distress and Sale, in such Manner as by the Laws now in being Surveyors of the Highways of this Kingdom are to be repaid or reimbursed the Monies by them expended in buying Materials for repairing Highways.

Surveyors of Highways to account to the Trustees for Composition Money.

LVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, when and as often as they shall think it expedient, by Writing under their Hands, at any publick Meeting to be held for the Purposes of this Act, to summon all and every or any of the Surveyors of the Highways for the Time being, of all, every, or any of the Parishes, Townships, or Places, (the Inhabitants whereof are liable to do and perform Statute Work on the said Roads; or any Part thereof respectively), to appear before them, or any Five or more of them, at any future or subsequent Meeting; and then to deliver in to them, or any Five or more of them, a full, true, just, and regular Account in Writing of all and every Sum and Sums of Money by them severally and respectively received for and in lieu of, or as a Composition for Statute Work in their several and respective Parishes, Townships, or Places, (which Account shall be verified upon Oath, to be then and there administered by the said Trustees, or any Two or more of them); and in case the Person or Persons so summoned shall not appear at the Time and Place therein appointed; or shall refuse to give and deliver in such Account as aforesaid upon Oath, or to pay the Treasurer of the said Roads in Manner as directed by the said Trustees, or any Five or more of them, within Five Days of the Time of producing the said Accounts; or whereon the same ought to have been produced, One full Half Part of all such Composition Money as they or any of them shall have received, or (without their wilful Neglect or Default) might have received, that then, and in all or any of the said Cases, the Person or Persons so offending shall, for every separate Offence, forfeit and pay any



any Sum not exceeding Twenty Shillings, or less than Five Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

LIX. 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, or the Turnpike Surveyor or Surveyors, or any Person or Persons employed by them, or any of them, or by the said Trustees, or any Five or more 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 a Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty on Persons obstructing the Execution of this Act.

LX. And be it further enacted, That the said Trustees, or any Five or more of them, 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 respectively, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, and also proper Direction Posts where any other Roads lead out of or into the said Roads hereby directed to be repaired respectively, with Inscriptions thereon, denoting to what Place or Places such other Roads respectively do lead, as they, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully break or pull down, dig up, injure, or destroy any of the Stones or Posts which shall be so fixed or set up, or erase, obliterate, or deface any of the Inscriptions or Letters which shall be engraven or made thereon, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings, nor less than Five Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Roads to be measured, and Mile Stones erected.

LXI. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads (excepting only on crossing the same) 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, every such Person shall, for every such Offence, forfeit any Sum not exceeding Three Pounds, nor less than Thirty Shillings.

Penalty for drawing Timber and Stone on the Roads.

LXII. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall for that Purpose authorize, delegate, or appoint, are hereby empowered to contract with any Person or Persons for making, altering, raising, widening, and repairing the said Roads, or any Part or Parts thereof respectively, and for erecting, building, and making Arches and Bridges upon the same, and for erecting Mile and Direction Stones or Posts thereon, and for making any Hedges or Fences, or turning, altering, widening, or making any Part or Parts of the said Roads, 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, as the said Trustees, or any Five or more of them, shall think proper.

Trustees may contract for Repairs.

Contracts to  
be binding.

LXIII. And be it further enacted, That all Contracts in Writing entered into pursuant to an Order made at any Meeting by the said Trustees, or any Five or more of them, 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.

For securing  
transient Of-  
fenders.

LXIV. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act in Execution; be it therefore enacted, That it shall be lawful for any of the said Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as they or any of them shall call to their or any of their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them, before any Justice of the Peace of the County, and near to the Place where the Offence or Offences shall be committed; and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint, or to oblige such Person or Persons so offending to give Security for his, her, or their Appearance at the next Petty Session to be holden within and for the County, Ward, or District, in which such Offence or Offences shall have been committed, to answer the said Complaint, and the Justices present at such Petty Session, or any Two or more of them, are hereby authorized and required to hear and determine the Matter of the said Complaint in a summary Way, and upon Conviction of the Offender or Offenders, either by the Justice before whom he, she, or they, shall be first taken, or by the Justices at such Petty Sessions as aforesaid, it shall be lawful for such Justice or Justices respectively to commit him, her, or them, to the Common Gaol or House of Correction of the same County, for any Time not exceeding Two Calendar Months, or until he, she, or they, shall sooner pay the respective Penalties, by him, her, or them, incurred for such Offence or Offences, together with the Costs and Charges attending the Conviction and Commitment.

Penalties and  
Forfeitures  
how to be re-  
covered and  
applied.

LXV. And be it further enacted, That all Penalties, Forfeitures, and Fines, by this Act inflicted or authorized to be imposed, (the Manner of levying and recovering of which is not herein otherwise particularly directed); shall, upon Proof of the Offences respectively before any One or more Justice or Justices of the Peace of the said Counties of *Durham* and *Northumberland* respectively wherein such Offences shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of One or more Witnesses or Witnessess, 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 such Penalties, 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 any Five or



given of such Notice as aforesaid, and of the entering into such Recognizance, shall proceed in; hear, and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Coits to the Party appealing or appealed against, as they the said Justices shall respectively think proper; and the Determination of such Quarter Sessions shall be final; binding, and conclusive, to all Intents and Purposes.

Distress not  
unlawful for  
Want of  
Form only.

LXVIII. 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 Proceeding 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.

Proceedings  
not to be va-  
cated for  
Want of  
Form.

LXIX. 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  
to be entered  
in a Book for  
that Purpose.

LXX. 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 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 said Mortgages and Assignments, or Transfers, shall and may be produced and read in Evidence in all Courts whatsoever.

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

LXXI. 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 of their Clerk 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 of their Clerk, shall abate or be discontinued by the Death or Removal of any such Clerk, or by the Act of any such Clerk without the Consent of the said Trustees, or any Five or more of them, but that the Clerk for the Time being to the said Trustees shall be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action.

Clerk to be re-  
imbursed his  
Expences.

LXXII. Provided always, That every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance

ance 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 shall pay, bear, expend, or be put unto or become chargeable with, by reason of his being made Plaintiff or Defendant as aforesaid.

LXXIII. And be it further enacted, That any Inhabitant of any Parish, Township, District, or Place, in which any Offence may be committed against this Act, shall be deemed and adjudged to be a competent Witness, notwithstanding he may be an Inhabitant of such Parish, Township, District, or Place.

Inhabitants may be Witnesses.

LXXIV. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings committed in carrying the Trusts of this Act into Execution, or in any Matter or Thing concerning or relating to the same, 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 Proceedings, 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 in any such 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 shall see fit, whereupon such Proceedings, or Orders and Judgements, shall be had and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

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

Defendant allowed to pay Money into Court before Issue joined.

LXXV. 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 a 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 and brought in the Counties of *Durham* or *Northumberland* respectively wherein the Cause thereof did arise, and not elsewhere, and the Defendant or Defendants in every such Action shall or may, at his 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 said Counties of *Durham* or *Northumberland* respectively, then the Jury shall find for the Defendant or Defendants; and upon such Verdict or Verdicts, and 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 Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Case by Law.

Limitation of Actions

Treble Costs.

[*Loc. & Per.*]

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LXXVI. And

Limiting the  
Term of the  
Act, and  
declaring it  
Publick.

LXXVI. And be it further enacted, That the Term of this Act shall commence upon the Day on which the First Meeting of the said Trustees shall be held as aforetaid, and shall continue and be in Force for Twenty-one Years, and from thence to the End of the then next Session of Parliament; and this Act shall be adjudged, deemed, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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