



ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 19.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from *Cockerton Bridge* to *Staindrop*, in the County of *Durham*. [4th May 1814.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled *An Act for repairing the High Road leading from Cockerton Bridge, near Darlington, in the County of Durham, to Staindrop, in the said County*: And whereas great Progress has been made in the Execution of the said Act; and considerable Sums of Money, borrowed upon the Credit of the Tolls thereby authorized to be taken on the said Road, still remain due, and cannot be repaid; nor can the said Road be effectually improved, amended and kept in Repair, unless the Term granted by the said Act be continued, and the Powers and Provisions thereof altered and enlarged, and the present Tolls increased: 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 the said recited Act, and all and every the Powers, Authorities, Penalties, Forfeitures, Clauses, Matters and Things therein contained (except such as are varied, altered, or repealed,) shall be and continue in full Force and Effect, and, together with this Act, shall be put in Execution for and during the Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act; but subject nevertheless to the

33G.3.c.146.

Former Act continued.

Debts contracted on the Credit of the former Act secured by this Act.

Alterations and Amendments herein contained ; and the Term, Tolls and Powers hereby granted, shall be subject and liable to the Payment of all Sums of Money now due and owing upon the Credit or on Account of the said Road, or which shall or may hereafter be borrowed or become due on the Credit or on account of the same, by virtue of the said recited Act and this Act, and of all Interest due and to grow due thereon respectively.

Additional Trustees appointed.

II. And be it further enacted, That from and after the passing of this Act the Right Honourable *Henry Vane* commonly called *Viscount Barnard*, *Richard Bell junior*, *Robert Colling junior*, *John George Lambton*, *Thomas Le Mesurier Clerk*, *Robert Moses*, *John Maynard junior*, *Daniel O'Callaghan*, the Honourable *William John Frederick Powlett*, *Thomas Freshfield Scarth*, *Edward Stracey*, *Marmaduke Threackston Clerk*, and *Jamies Allan Wright*, together with Ten other Persons to be named as Trustees at the First or any other Meeting to be held under this Act, shall be added to and joined with the Trustees appointed by or in pursuance of the said recited Act, for putting the said recited Act and this Act into Execution ; and the Trustees hereby nominated, and their Successors (being qualified according to the Directions of the said recited Act), are hereby empowered to act in the Execution of the said recited Act, as fully and effectually to all Intents and Purposes as if they had been appointed Trustees in or by virtue of the said recited Act.

Three Trustees may act.

III. And be it further enacted, That all Acts and Proceedings relative to the Execution of the said recited Act and this Act, may be done and executed by any Three or more of the said Trustees (except only in the Cases herein-after mentioned, where a greater Number of Trustees are required ;) and that all Acts and Proceedings relative to the Execution of the said recited Act, as are by the same Act directed or authorized to be done, executed and performed by any Five or more of the said Trustees, may in like Manner be done and executed by any Three or more of them, except in the following Instances ; that is to say, the Power of letting the Tolls, and of erecting Turnpike Gates on the said Road or on the Sides thereof ; all which last mentioned Powers shall be executed in Manner and Form as in the said recited Act is directed and provided.

Meetings on Emergencies.

IV. Provided always, and be it further enacted, That if after any Adjournment of the said Trustees it shall be thought necessary that they should meet at an earlier Day than the Day appointed by such Adjournment, in that case the Clerk to the said Trustees, upon an Order in Writing signed by Three or more of them (although not assembled at a Meeting) mentioning the Time, Place and Purpose of such Meeting, shall forthwith give Notice thereof in Writing, to be affixed upon all the Turnpike Gates then erected upon the said Road, and to be inserted in One of the Newspapers published at *Newcastle-upon-Tyne*, at least Ten Days before such intended Meeting, of the Time, Place and Purpose of such Meeting, as mentioned in such Order ; and such earlier Meeting shall and may be held accordingly ; and the Proceedings of the Trustees at all such Meetings as aforesaid, shall be as good, valid and effectual, as they would have been in case such Meetings had been held in pursuance of Adjournments.

V. And

V. And be it further enacted, That no Order made by the said Trustees shall be revoked or altered at any subsequent Meeting, unless Seven Trustees at least are present, and a Majority of them shall concur therein,

Orders not to be revoked but by a certain Number of Trustees.

VI. And be it further enacted, That the several Tolls now payable upon the said Road by virtue of the said recited Act, shall, upon the Second Monday after the passing of this Act, cease, determine, and be no longer payable; and that instead thereof the following Tolls shall be demanded and taken at each and every of the Toll Gates erected under the Authority of the said Act and this Act; (that is to say),

For discontinuing the present Tolls, and granting new ones.

For every Coach, Chariot, Chaise, Hearse, or other such Carriage, drawn by Six or more Horses, Mares, Geldings, Mules or other Cattle, the Sum of One Shilling and Four-pence; and drawn by Four Horses, Mares, Geldings, Mules or other Cattle, the Sum of One Shilling; and drawn by Three Horses, Mares, Geldings, Mules or other Cattle, the Sum of Eight-pence; and drawn by Two Horses, Mares, Geldings, Mules or other Cattle, the Sum of Sixpence:

Tolls.

For every Chaise, Chair or Taxed Cart, drawn by One Horse, Mare, Gelding or Mule, or other Beast of Draught, the Sum of Four-pence:

For every Horse, Mare, Gelding, Mule or Ass, laden or not laden, and not drawing, the Sum of One Penny Halfpenny:

For every Score of Oxen, Cows, Calves, or Neat Cattle, and so in Proportion for a less Number, the Sum of Five-pence:

For every Score of Hogs, Swine, Goats, Sheep or Lambs, and so in Proportion for a less Number, the Sum of Two-pence Halfpenny:

For every Waggon, Wain, Cart or other such Carriage, having the Sole of Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth so flat or level as not to deviate more than One Inch from a flat Surface, and not laden with or going for Coals, Cinders or Lime, and drawn by Eight or Seven Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Eight-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Two-pence:

For every Waggon, Wain, Cart or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling such flat or level Surface as aforesaid; and not laden with or going for Coals, Cinders or Lime, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Eight-pence; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four-pence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Ten-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Eight-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence:

For every Waggon, Wain, Cart or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, and not laden with or going for Coals, Cinders or Lime, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four-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 Eight-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Four-pence:

For every Waggon, Wain, Cart, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling such flat or level Surface as aforesaid, and laden with or going for Coals, Cinders, or Lime only, and drawn by Eight or Seven Horses, Oxen, or other Beasts of Draught, the Sum of Ten-pence; and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Eight-pence; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Penny:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and rolling such flat or level Surface as aforesaid, and laden with or going for Coals, Cinders or Lime only, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of Eight-pence; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Three-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Two-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of One Penny Halfpenny:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, and laden with or going for Coals, Cinders, or Lime only, and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Four-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 Eight-pence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass laden with Coals, Cinders, or Lime only, and not drawing, the Sum of One Penny:

And for every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, laden with any Goods or Merchandize, Coals, Cinders or Lime, at any Time between the Thirty-first Day of *October* and the First Day of *April* in every Year during the Continuance of this Act, in Addition to the Tolls herein-before imposed and made payable for every such Waggon, Wain, Cart, or other Carriage, laden as last aforesaid,

faid, a further Toll or Sum of the same Amount, making in the Whole a Double Toll.

Which said respective Tolls and Duties shall be and are hereby declared to be subject and liable to the Payment of all Money due and owing on the Credit or Security of the said former Act; and the said Trustees, or any Five or more of them, shall have such and the same Powers, Authorities, and Remedies for apportioning, mortgaging, transferring, leasing, reducing, advancing, and compounding for the Tolls hereby made payable, and the same shall be collected, levied, recovered, paid, and applied, in the same Manner and Form, and to the same Uses, Intents, and Purposes, as in and by the said recited Act are directed, authorized, or expressed with respect to the Tolls thereby granted or made payable, except as is herein otherwise particularly directed or provided.

To be recovered and applied as former Tolls.

VII. And be it further enacted, That no Person or Persons shall be liable to pay the said respective Tolls hereby granted and made payable, more than once at any one Toll Gate or Turnpike erected or to be erected upon the said Road, for passing or repassing at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) with or driving the same Horses, Cattle, Beasts, and Carriages through the same Toll Gate or Turnpike (except Waggons, Carts, or other Carriages laden with Copper, Lead, Coals, Lime, Cinders, or Stones, which shall not pass or repass through the same Toll Gate or Turnpike oftener than twice in the same Day without paying Toll a Second Time;) but all and every Person and Persons, after having paid Toll once, or twice, (according to the Circumstances) and producing a Ticket or Tickets denoting the Payment of such Toll or Tolls (which Tickets the said Collectors are hereby required to give *gratis* on Receipt of the Tolls) shall afterwards pass and repass with the same Horses, Cattle, Beasts, and Carriages Toll-free during the same Day through the same Toll Gate or Turnpike where the said respective Toll or Tolls was or were paid; any Thing in this Act or the said recited Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but once a Day.

VIII. Provided always, and be it further enacted, That no more than One Toll shall be demanded or taken between *Cockerton Bridge* and *Summerhouse*; nor more than One Toll between *Summerhouse* and *Staindrop*.

Directing what Number of Tolls shall be taken.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, are hereby authorized and empowered from Time to Time to lessen the said respective Tolls and Duties hereby granted or made payable, and again to raise the same, or any of them, or any Part or Parts thereof, and to order and direct the same to be collected, received, and taken in such Manner, Parts, and Proportions, as they shall think fit; provided that none of such Tolls and Duties shall at any Time exceed the several Tolls and Duties hereby granted or made payable, nor shall at any Time be reduced below the Tolls and Duties mentioned and expressed in and by the said recited Act, without such Consent as is thereby made requisite in that Behalf.

Trustees may vary the Tolls.

X. And be it further enacted, That if any Farmer, Renter, or Collector of any of the said Tolls hereby granted shall demand and take, or

Collectors taking more or less Toll, Penalty on Lessee.

[*Loc. & Per.*]

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cause

Penalty on
Collector not
being Lessee.

cause to be demanded and taken from any Person or Persons, any Toll not hereby authorized to be taken, or a greater or less Toll than so authorized, such Farmer or Renter shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and also his or her Contract for renting the said Tolls, if the said Trustees shall think fit to vacate the same; and every Collector, not being the Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that if the Justice by or before whom the Matter of Complaint shall be heard, shall be of Opinion that the Offender had probable Grounds for such Demand and Taking, it shall be lawful for such Justice either to mitigate the said respective Penalties, or wholly to exonerate the Offender therefrom, as such Justice shall think fit.

No Carriage,
having the
Wheels of a
less Breadth
than Nine or
Six Inches,
to be drawn
by Horses in
Pairs.

XI. And whereas great Damage is done to the said Road by Waggons, and other Carriages with Narrow Wheels drawn by Horses in Pairs; for Remedy whereof, be it further enacted, That no Waggon, Wain, Cart, or such other Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches or Six Inches and deviating more than One Inch from a flat Surface as aforesaid, and also no Waggon, Wain, or Cart having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, shall be allowed to travel upon the said Road, or suffered to pass through any Turnpike Gate or Toll Bar erected or to be erected upon the said Road, if the same shall be drawn by Horses in Pairs, except Carriages drawn by Two Horses only, upon Pain that the Owner or Owners of every such Waggon, Wain, or Cart, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Exemptions
from Tolls.

XII. And be it further enacted, That all Exemptions from Tolls comprized in the said recited Act shall cease, and in lieu thereof, the several Exemptions from Tolls herein-after mentioned shall be allowed; (that is to say), that no Toll shall be demanded or taken for any Horse or Carriage passing through any of the Turnpikes or Toll Gates erected or to be erected upon or on the Sides of the said Road, carrying or conveying Stones, Brick, Lime, Timber, Wood, Heath, Chalk, Gravel, or other Materials to be used on or about the said Road, or for repairing any Highways in the Townships or Places which are liable to perform Statute Duty upon the said Road, or carrying or conveying Hay, Corn in the Straw, or other Produce of Lands not sold or disposed of, but passing for the Purpose of being laid up in the Houses, Outhouses, Barns, or Yards of the Owners thereof, or any Ploughs, Harrows, or other Implements of Husbandry to be used in the Cultivation of Lands, or any Dung, Compost, or Manure, (save and except Lime) to be used or laid upon Lands, or going or returning empty, or loaded only with necessary Implements or Utensils, when employed in any such Manner as aforesaid; nor shall any Toll be demanded or taken for any Horses, Mares, Geldings, Mules, Asses, or Cattle going to or returning from Work in cultivating the Lands within the same Townships or Places or any of them; nor for any Horses, Mares, Geldings, Mules, Asses, Cattle, Sheep, Lambs, or Hogs, going to or returning from Pasture on the Commons or other Grazing-grounds or Watering-places, or Blacksmiths Shops, to be shod or farried; nor for any Waggon, Wain, Cart, or other Carriage belonging to any Person or Persons whomsoever going empty or unladen for
Coals,

Coals, Cinders, or Lime only, provided such Waggon, Wain, Cart, or other Carriage shall return, laden with Coals, Cinders, or Lime only, upon the same Road; nor shall any Toll be paid by any Rector, Vicar, or Curate going to officiate, or returning from officiating at any Church, Chapel, or other Place of religious Worship, or when visiting his sick Parishioners, or upon any other Parochial or Ministerial Duty, or by any other Person or Persons residing in the said Townships or Places, who shall pass through the said Turnpikes or Toll Gates to or from Church, Chapel, or other Place of religious Worship, or who shall attend the Funeral of any Person or Persons who shall die and be buried in the respective Parishes wherein any of the said Townships or Places are situate; nor 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 the same, or in returning back from conveying the same, or for the Horses of Soldiers on their March or on Duty, or Carriages or Horses or other Beasts employed in carrying the Arms or Baggage of such Soldiers; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or for the Horse or Horses or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided such Persons are in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; or for any Carriage, Horse, or other Beast employed in the Conveyance of Vagrants travelling with legal Passes, or travelling with Vagrants sent by legal Passes; nor for any Horse or Carriage going to or returning from any Election of a Member or Members to serve in Parliament either for the County or City of *Durham* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin and be concluded; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled thereto, or shall make use of any Fraud whatsoever, whereby the Payment of the said Tolls or any Part thereof shall be evaded, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons fraudulently claiming Exemptions from Toll.

XIII. And be it further enacted, That no Person owning or driving, or causing to be driven, any Waggon, Wain, Cart or other Carriage, provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Act contained, to the contrary notwithstanding.

Exempting Carriages with Military Stores from Penalty for Overweight.

XIV. And

Tolls may be let to Farm, for any Term not exceeding Three Years.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, in such Manner and Form as is mentioned and directed in that Behalf, in and by a certain Act of Parliament, passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into One Act of Parliament the general Laws now in being for regulating the Turnpike Roads in that Part of Great Britain called England, and for other Purposes*, from Time to Time to demise or let to Farm all or any of the Tolls arising by virtue of this Act, for any Term not exceeding Three Years on each Demise, for the best Rent or Rents which can be gotten for the same, payable in such Proportions, at such Times, and to such Person or Persons, and under such Conditions and Agreements, and with such Sureties, Surety or Security for the Payment thereof, as they the said Trustees shall think fit; and the Monies arising thereby shall be applied and disposed of in such Manner as the Tolls so leased are hereby directed to be applied.

Trustees may take Possession of the Toll Houses, if Lessees neglect to pay Rent;

XV. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act, shall be demised or let to Farm, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear by the Space of Thirty Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement for demising or letting thereof, then and in either of those Cases, the said Trustees, or any Five or more of them, or their Clerk or Treasurer, or any Person or Persons authorized by Writing under their Hands, shall and may and they are hereby authorized to enter upon and take Possession of every or any Toll House, Toll Gate or Toll Bar, and the Buildings and Appurtenances thereunto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, from the Possession thereof, and from the Collection of such Tolls; and that thereupon it shall and may be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Contract or Agreement for demising or letting the said Tolls to any Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes, save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Covenants or Agreements on the Lessee's Part, as if such Demise or Agreement had never been made; and it shall be lawful for the said Trustees, in every such Case, to demise or let to Farm the said Tolls again to any Person or Persons, or to cause them to be collected, as if no former Demise, Contract or Agreement, had been made relating thereto.

and vacate Leases.

Application of Monies.

XVI. And be it further enacted, That all the Monies which before the passing of this Act shall have been raised and produced by virtue of the said recited Act, and shall then be remaining undisposed of, together with the Monies which shall have been borrowed upon the Credit of the said recited Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted or 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, and not herein otherwise appropriated or directed to be applied, shall be vested in

the Trustees for the Time being, and 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 this Act, together with lawful Interest for Money advanced by any Person or Persons for that Purpose; in the Second Place, in paying the Interest accruing upon the several Principal Sums of Money borrowed in pursuance of the said former Act, and of this Act, and from Time to Time remaining due and owing on Mortgage or Security of the Tolls by this Act granted; in the Third Place, in defraying the Expences of amending, repairing, widening, altering, improving and keeping in Repair the said Road, and of executing the several other Powers, Intents and Purposes of this Act; and lastly, in reducing, paying off and discharging such several Principal Sums as last aforesaid, and to and for no other Use, Intent or Purpose whatsoever.

XVII. And be it further enacted, That if any Coach, Diligence, Chaise, Cart, Waggon, Draught or other Carriage, or any Plough or other Instrument of Husbandry, with or without Horses or other Beasts of Draught, shall remain or continue in or upon any Part or Parts of the said Road, or on the Sides thereof, for any longer Time than shall be necessary for taking up and setting down the Passengers, and for loading and unloading such Carriage, or shall not during such Time be standing as near to the Side of the said Road as conveniently may be, except for such Reasons as shall be satisfactory to the Justice before whom Complaint shall be made; or if any Persons shall knowingly or wilfully lay any sort of Timber or Trees, or any Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever in any Part of the said Road, for any longer Time than Two Hours, except for such Reasons as last aforesaid; or if any Person or Persons shall draw or cause to be drawn upon any Part of the said Road, any Tree or Piece of Timber, or Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, which may be conveyed upon any Wheel Carriage, to drag or trail upon any Part of the said Road, to the Prejudice or Injury thereof; or if any Person or Persons shall permit or suffer his, her or their Pig or Pigs or Swine to stray or go at large in or upon the said Road; or if any Person or Persons shall slaughter, singe, scald, or dress any Beast or Cattle in or upon any Part of the said Road, or shall hew or saw any Piece of Stone, Wood or Timber, or bind, make or repair, except in Cases of Accident, the Wheel of any Carriage, or, except in Cases of Accident, shoe, bleed, or farry any Horse or other Beast, in or upon any Part of the said Road, every Person so offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Nuisances, by leaving Carriages, &c. on the Road.

XVIII. And whereas by the said recited Act Power is given to the said Trustees, or any Five or more of them, to widen, turn, or alter the Way or Path of any Part of the said Road, and to purchase any Lands or Tenements for that Purpose, in Manner therein mentioned; but no Power is given by the said Act to Corporations, or Persons under legal Disabilities, to sell or convey any Lands or Tenements to the said Trustees; be it therefore enacted, That it shall and may be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians or other Trustees what-

Power for Bodies Corporate, &c. to sell.

[Loc. & Per.]

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soever,

Contracts
valid.

soever, for or on Behalf of any Infant, Females Covert, Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized, possessed of, or interested in any such Lands or Tenements, either for their own Use or Benefit, or for the Use of or in Trust for such other Person or Persons as aforesaid, to sell and convey to the said Trustees, or any Five or more of them, all or any such Lands or Tenements, as Occasion shall be and require; and all 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, Usage, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians and Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Persons of
whom
Ground was
bought or
whose Lands
adjoin, to
have the First
Offer.

XIX. Provided always, and be it further enacted, That the said Trustees before they shall sell and dispose of any Part or Parts of the old Road, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased; and if such Person or Persons shall not then and thereupon agree (except with respect to and on account of the Price thereof) or shall refuse (except with respect to and on account of the Price thereof,) to purchase the same, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Durham*, (who are hereby respectively empowered to take the same) by some Person or Persons no way interested in the said Ground, stating that such Offer was made by and on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was so made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner directed by the said recited Act, with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance thereof, and the Expence of hearing and determining such Difference shall be borne and paid in Manner directed by the said recited Act, with respect to Purchases made by the said Trustees *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Ground as aforesaid shall be applied to the Purposes of the said recited Act and this Act.

Application
of Compensation,
when
amounting
to £200.

XX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the said recited Act or this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Females Covert, or other incapacitated Person or Persons, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of
England,

England, in the Name and with the Privity of the Accountant General of the High Court of Chancery to be placed to his Account, *ex parte* the Trustees for executing the said recited Act and this Act, to the Intent that such Money shall be paid under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments in the Purchase of Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic or Corporate, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the

Application where the Compensation is less than £200. and exceeds £20.

Dividends

Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than £20.

XXII. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of the said recited Act or this Act, in such Manner as the said Trustees or any Five or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees or any Five or more of them; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and he is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments,

ments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments so to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of the said recited Act or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges for obtaining such Order, to be paid by the said Trustees or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

XXVI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing the said Road, shall still remain liable thereto, in like Manner as heretofore; and it shall be lawful for Two or more Justices of the Peace for the said County, and they are hereby required and empowered, upon Application made to them by the said Trustees or by their Treasurer, Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Hamlets, or Places in which the said Road lies; and also what Proportion of Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the Trustees or their Treasurer or Treasurers; and in order thereunto it shall be lawful for such Justice from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Fourteen Days after the serving of such Summons) of the Names of the several Persons who, within such Parish, Hamlet, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work,

Statute Work.

[Loc. & Per.]

3 Q.

distinguishing

distinguishing the Nature of the Work to be done, whether with Teams, Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations as are or may be directed by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, or appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer or Treasurers, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act or this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person or Persons may be subject and liable to by any Law or Statute in Force or Effect for the Repairs of the Public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and discharge the said Person who shall be found idle or negligent as aforesaid; and in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers of the said Trustees, and applied towards the amending of the said Road; and if any Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly and wilfully give in false or imperfect Lists, every such Surveyor so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may
compound for
Statute
Work.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Road or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes, Townships, or Places in which the said Road is situate,

for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or of any Part of the Statute Work to be by all or any of the said Inhabitants or Occupiers done on the said Road; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of such Parish, Township, or Place, or by the Person or Persons so compounding, to the said Trustees or their Treasurer or Treasurers in Advance, on or before the First Day of *May* in each and every Year; or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to contract and agree with any Person or Persons for the repairing of the said Road, or any Part or Parts thereof, or for doing any Work in pursuance or Execution of the said recited Act and this Act, in such Manner, and for such Sum or Sums of Money, annually or otherwise, or for such Consideration as the said Trustees shall think proper.

Trustees may contract for Repairs.

XXIX. And whereas Offences may be committed against the said recited Act or this Act by Persons unknown to the Trustees, Collectors, Surveyors, or other Officers appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or he shall call to their or his Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace of the County, Division, or District where the Offence or Offences shall be committed.

For securing transient Offenders.

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

Public Act.

XXXI. And be it further enacted, That the Term granted by the said recited Act shall on the Second *Monday* after the passing of this Act cease and determine; and that the said recited Act (subject to the Alterations, Variations, and Additions herein contained) and this Act, shall from thenceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Commencement and Continuance of this Act.

