



ANNO QUINQUAGESIMO OCTAVO

# GEORGII III. REGIS.

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## *Cap. xxix.*

An Act for continuing and amending an Act of His present Majesty, for maintaining a Road from *Wearmouth Bridge* to *Tyne Bridge*, with a Branch to *South Shields*, all in the County of *Durham*.

[8th May 1818.]

**W**HEREAS an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a convenient Carriage Road from Wearmouth Bridge to Tyne Bridge, with a Branch from the said Road to the Town of South Shields, all in the County of Durham*: And whereas the Trustees appointed in and by virtue of the said Act have, in Execution thereof, borrowed considerable Sums of Money on the Credit of the Tolls authorized to be collected on the said Road, a great Part of which Money still remains due and owing, and the same cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the said Act, which is near expiring, be continued for a further Term; and it is expedient that some of the Powers and Provisions in the said Act should be altered, amended, and enlarged, and that some further Powers and Authorities should be granted for more effectually repairing and improving the said Road: 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

[Local.] 7 C the



Former Act  
continued.

the same, That the said recited Act passed in the Thirty-sixth Year of the Reign of His present Majesty, and all and every the Tolls, Authorities, Trusts, Powers, Privileges, Provisions, Regulations, Payments, Remedies, Penalties, Clauses, Matters, and Things therein contained, and now in force (except so far as any of them are varied, altered, or repealed), shall be and continue in full Force and Effect, and, together with the Powers and Provisions in this Act contained, be executed, for and during the Term herein-after granted or mentioned, as fully and effectually to all Intents and Purposes as if the same were herein particularly repeated and re-enacted; and this Act and the Tolls hereby granted shall be and are hereby made subject and liable to the Payment of all Monies which have been borrowed and now remain due and owing on the Credit or Security of the said recited Act, and of all Interest due and to grow due thereon respectively.

New Trustees.

II. And be it further enacted, That *George Cooper Abbs, William Allan, James Allison, William Allison, George Allison, Thomas Hanway Bigge, William Barras*, the Rector of *Boldon* for the Time being, *William Beckwith junior, George Booth, Thomas Brunton junior, Christopher Bramwell junior, Backhouse, John Beecroft, Thomas Collin, Edward Dale junior, Edward Davison, William Davison, Thomas Burn Davison, Robert Davison, John Davison, Robert Davidson, Cuthbert Ellison, Robert Ellison, William Ferguson, Charles Ferguson, Walker Featherstonhaugh*, the Honourable and Reverend *Edward Grey, Robert Harrison Clerk, William Hill, Christopher Septimus Hill, William Hayton, John Hubbard, Crofton Hunter, William Horn, Thomas Horn junior, Robert Horn, Nathan Horn, Thomas Horn, Robert Hutton, Henry Thomas Liddell, Thomas Liddell, John Laing, Philip Laing, James Laing, Philip Laing junior, Michael Laws, Thomas Laws, Ralph Laws, Thomas James Maling, George Markham, Henry Markham, William Bernard Ogden, Thomas Ogden, William Peters, John Pemberton, Ralph Stephen Pemberton, Richard Pemberton junior, William Potts, Edmund Robson, John Wall, Christopher Robinson, William Robinson, Shakespeare Reed, Robert Shaw, John Scott, William Smith, Robert Swan, Thomas Thompson*, the Reverend *Robert Hopper Williamson Clerk, John William Williamson, Sir H. Williamson Baronet, Ralph Wylam, William Hamilton Williamson, Christopher Wawn, John Twizell Wawn*, and *Joseph Yellowley*, together with such other Persons, not exceeding the Number of Ten, as the said Trustees shall elect, shall be and they are hereby added to and joined with the Trustees appointed by virtue of and named in the said recited Act for putting the said recited Act and this Act in Execution; and the said Trustees herein named, and their Successors (being respectively qualified according to the Directions of the said recited Act), shall have the like Powers and Authorities to act in the Execution of the said recited Act and this Act, as fully and effectually to all Intents and Purposes, as if they had been appointed by virtue of or named in the said recited Act; and the Trustees appointed by virtue of or named in the said recited Act and this Act, or any Three or more of them, shall have the same Power and Authority for electing and appointing new Trustees from Time to Time in lieu and stead of such of the Trustees already or hereafter to be appointed who shall die

or refuse to act, or become otherwise disqualified, as is authorized for the Choice of new Trustees in the said recited Act.

III. And whereas in the said recited Act it was enacted, that it should be lawful for the said Trustees, if they thought expedient, to erect and continue a Toll Gate on any new Road which should be opened and made by virtue of the same Act through any private or inclosed Grounds situate on the North Side of the Highway leading from *Monkwearmouth* to *Southwick*, within the Distance of Fifty Yards from the Place where such new Road should join the same Highway, which Toll Gate was erected accordingly; and it is found, in order to prevent Fraud and Evasion of Payment of Tolls, to be expedient that such last-mentioned Toll Gate should be removed as herein-after mentioned: Now therefore be it further enacted, That it shall be lawful for the said Trustees acting in Execution of this Act, whenever they think it expedient, to remove the said Toll Gate so now erected within Fifty Yards from the Place where such new Road joins the Highway leading from the Town of *Monkwearmouth* to *Southwick*, and to erect any other new Toll Gate in any Place they think proper within Six hundred Yards instead of Fifty Yards to the North End of and from the Place where such Road joins the same Highway.

Recital of former Act as to the Toll Gate at Monkwearmouth.

Power to remove the Toll Gate.

IV. And be it further enacted, That so much of the said recited Act of the Thirty-sixth Year of His present Majesty as requires any Collectors, Clerks, Treasurers, Surveyors, and other Officers or Persons, to deliver their Accounts upon Oath, and subjects them to any Penalty for refusing to verify the same upon Oath, and as authorizes the said Trustees to administer any such Oaths, shall be and the same is hereby repealed and made void.

Power to require Officers to account on Oath, repealed.

V. And be it further enacted, That so much of the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty as relates to getting, cutting, digging, gathering, taking, and carrying any Furze, Heath, Stones, Gravel, Sand, or other Materials for repairing the said Roads, in, upon, out of, or from any Wastes, Grounds, Commons, Quarries, Rivers, Brooks, or Sea Banks, or any private Lands, Grounds, or Quarries, shall be and the same is hereby repealed and made void.

Clause in the former Act for getting Materials, repealed.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the same Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk, to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being Partner of any such Clerk shall act as Treasurer, or being Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any

Same Person not to be Clerk and Treasurer.



any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Accounts of Receipts and Disbursements to be open to Inspection of Trustees and Creditors.

VII. And be it further enacted, That the said Trustees shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk of the said Trustees, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money respectively received, paid, laid out, and expended for or on account of the said Roads or any of them, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on any of the Tolls hereby granted, without Fee or Reward; and the said Trustees and Creditors shall and may take Copies of or Extracts from any of the said Books without paying any Thing for the same; and in case any such Clerk shall refuse to permit or shall not permit any such Trustees or Creditors to inspect the same, or to take such Copies or Extracts as aforesaid, every Clerk so offending shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Collectors to deliver Tickets gratis.

VIII. And be it further enacted, That the several Collectors of the Tolls granted by this Act shall, on Receipt of such Tolls, deliver to the Person or Persons paying the same a Ticket or Tickets denoting such Payment, and specifying and naming therein the Gate or Gates to be free from Toll by such Payment.

Regulations as to Toll Collectors.

IX. And be it further enacted, That every Toll Collector, being appointed either by the said Trustees, or by any Lessee or Lessees of the Tolls, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or the Orders and Regulations of the said Trustees, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall refuse to permit or suffer, or shall in any ways hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket



Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment, or upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous, abusive, or blasphemous Language to any Passenger or Passengers, then and in every such Case, every such Toll Collector shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

X. And be it further enacted, That from and after the passing of this Act all Exemptions from Tolls granted by the said recited Act shall cease, and be no longer allowed, and that in lieu thereof the several Exemptions from Toll herein-after mentioned shall be allowed; (that is to say), that no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing the Roads or any of the Highways within the Parishes, Townships, or Hamlets in which any Part of the said Road lies, or Hay, Straw, or Corn in the Straw only, not sold or disposed of, or conveying to be sold, but passing to be laid up or placed in the Out-houses or on the Lands of the Owners or Occupiers; or for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying and conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Lime, Dung, Mould, or Compost to be used for the Manurance or Improvement of Lands, or any Furze, Peats, Turf, or Heather for Fuel; (provided that from and after the First Day of *November* One thousand eight hundred and eighteen, none of the aforesaid Exemptions from Toll shall extend to or include any Carriages drawn by more than Two Horses, nor any Carriages having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, which shall pass upon the said Roads at any Time between the First Day of *November* in any Year, and the First Day of *April* then next ensuing;) nor shall any Toll be demanded or taken for any Horses, Beasts, or Cattle, or Carts belonging to Persons resident in Townships contributing to the Repairs of the said Roads, when employed in carrying or conveying, or returning empty from carrying or conveying, Fish or Milk for Sale; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shod and farried, or from any Person going to or returning from his or her proper parochial Church or Chapel, or other Place of religious Worship tolerated by Law, on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes through which the said Roads pass, or from any Clergyman going to or returning from visiting any of his sick Parishioners, or upon other his parochial or ministerial Duty; or for any Horse, Cattle, or Carriage, of whatever Description, employed or to be employed in conveying the Mails of

Exemptions  
from Toll.

[Local.]

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Letters



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 in returning back from conveying the same; or for any Horse, Cattle, or Beast attending, or returning from attending any Soldiers upon the March or on Duty, or any Horses, Cattle, Beasts, or Carriages conveying or returning from conveying their Arms or Baggage; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or 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, Cart, Carriage or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by him or them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed 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 Exemptions as aforesaid; or for any Horse or Carriage carrying or conveying any Person or Persons going to vote or returning from voting at any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Durham*, on the Day or Days of such Election, or on the Day before, or Day after such Election shall begin or be concluded: And if any Person or Persons shall, in any fraudulent or collusive Manner whatever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety whereof shall go to the Informer, and the other Moiety thereof shall be applied for the Purposes of the said Act and this Act.

Exempting  
Carriages  
conveying  
Military  
Stores from  
Penalties for  
Overweight,  
&c.

XI. 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, or the Horse or Horses drawing the same while so employed, be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horses or Oxen; but it shall be lawful for the Owner or Driver of any such Waggon, Wain, Cart, or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage; any Thing in the said recited Act, or this Act, or in any other Act or Acts of Parliament relating to Highways or Turnpike Roads contained to the contrary notwithstanding.

Exemptions  
of Inhabit-  
ants of Clea-  
don, Harton,

XII. Provided always, and be it further enacted, That no Person, being an Inhabitant of the several Townships of *Cleadon*, *Harton*, *Westoe*, and *South Shields*, or any of them, shall be charged with any of the Tolls in the



the said recited Act mentioned or authorized to be demanded or taken at any Turnpike to be erected between *Cleadon* and *South Shields* aforesaid, for passing through the same with any Horses, Cattle, or Carriages, going to or towards the Town of *South Shields* aforesaid, laden with Hay, Straw, Corn, Butter, Cheese, Potatoes, or any other Provisions, being the Produce of Grounds within the said several Townships of *Cleadon*, *Harton*, *Westoe*, and *South Shields*, or any of them, nor when returning from *South Shields* unladen, or laden only with Provisions for the private Use of any such Inhabitants respectively, and not carrying the same for Hire; provided that such last-mentioned Exemptions from Toll, or any of them, shall not extend to or include any Carriages drawn by more than Three Horses, nor any Carriages having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, between the First Day of *November* and the First Day of *April* then next ensuing.

*Westoe, and  
South  
Shields.*

XIII. Provided always, and be it further enacted, That all Waggon, Carts, and other such Carriages, having the Wheels and Axletrees formed as directed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying Extra Weights in certain Cases*, and the Horses and other Cattle drawing the same, shall have and enjoy the Privileges and Exemptions granted thereby.

Exemptions  
by 55 G. 3.  
not to be  
affected.

XIV. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of Tolls due, or the Charges occasioned by 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 may happen), until the Amount of Toll due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case may happen), shall be ascertained by a Justice of the Peace for the County or District wherein the Cause of Dispute shall arise, who, upon Application made to him for that Purpose, shall examine into the said Matter, upon Oath of the Parties, or any Witness or Witnesses, and determine the Amount of the Toll due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them, as he shall think just and reasonable; and in case of Non-payment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

Disputes as  
to Tolls to  
be settled by  
a Justice.

XV. And be it further enacted, That if any Person shall ride upon any Footway or Footpath already made, or hereafter to be made, adjoining the said Roads, or shall lead or drive any Horse, Ass, Cattle, or Swine, or any Carriage on any such Footway or Footpath, or shall cause any Damage to be done thereto, every Person so offending, and being lawfully convicted thereof, shall forfeit and pay for the First Offence any Sum not exceeding Ten Shillings, and for the Second, or any subsequent Offence, any Sum not exceeding Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Riding on or  
driving Cat-  
tle on Foot-  
paths.

XVI. And

Gates not to  
swing into  
the Roads.

XVI. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining the said Roads, shall be made and hung to open and swing inward toward such Field or Ground, and not towards the said Roads; and that it shall be lawful for the said Trustees to order all such Gates as are now erected or may hereafter be erected, and which open and swing outward towards the said Roads, to be altered, and made to open and swing inward, as the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outward towards the said Roads, shall (after Twenty Days Notice from any Surveyor of the said Roads, requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alteration, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Surveyors to  
get Mate-  
rials, making  
Compensa-  
tion.

XVII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors of the said Roads for the Time being, and such other Person or Persons as shall be employed by such Surveyor or Surveyors, to gather, dig, take, and carry away any Stone, Gravel, Sand, or other Materials proper for the repairing of the said Roads, out of and from any Commons or Waste Grounds, common Rivers and Brooks, in any Parish or Place in or through which the said Roads lie or pass, or any adjoining Parish, Township, or Place, without paying any Thing for the same, such Surveyor or other Person or Persons levelling the Ground from whence such Materials shall be taken, or sufficiently fencing off such Pits, so that the same may not be dangerous to Passengers or Cattle; and in case such Materials cannot conveniently be had in such Commons or Waste Grounds, Common Rivers or Brooks, within convenient Distance, then to dig, gather, take, and carry away any such Materials as aforesaid in, upon, out of, or from and over any other Lands or Grounds in any Parish, Township, or Place in or through which the said Roads lie or pass, or any adjoining Parish, Township, or Place, not being a Garden, Orchard, Yard, Paddock, or a Plantation, or a Nursery for Trees, making such Compensation and Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands and Grounds from whence the same shall be dug, gathered, taken, and carried away, or over which the same or any other Materials gotten in any Waste Grounds, Common Rivers or Brooks, or Private Grounds, shall be conveyed, as any Two Justices of the Peace within the County of *Durham* shall, in case of Difference between such Owners or Occupiers and the said Trustees, judge reasonable.

Surveyors  
not to carry  
away Mate-  
rials out of  
private  
Grounds,  
without giv-

XVIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors or other Person, under the Authority of this Act or any other Statute now in force, to take and carry away Stone or other Materials for repairing the said Roads, out of or from any inclosed Lands or Grounds, until Notice in Writing shall have been given to the Owner or Occupier of the Premises from which  
such



such Materials are intended to be taken, or left for any such Owner or Occupier at his usual Place of Residence, to appear before any Two Justices of the Peace acting for the County, Liberty, or District where such Lands are situate, at a certain Time and Place to be specified in such Notice, to shew Cause why such Materials shall not be had or taken out of or from such Lands and Grounds; and such Justices, after hearing the Parties concerned, shall, if they think meet, authorize any such Surveyor or Surveyors, or other Person or Persons, to dig, gather, take, and carry away such Stone and other Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or his Agent, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended.

ing Notice  
to the Occu-  
piers.

XIX. And be it further enacted, That the Principal Money to arise from the Sale of any Lands, Tenements, or Hereditaments which shall be purchased, taken, or used for the Purposes of the said recited Act, and this Act, of any Bodies Corporate, Ecclesiastical, or Civil, Corporation, Aggregate or Sole, Tenant for Life, or Tenant in Tail, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes or Feme Covert, or other incapacitated Person or Persons, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy 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, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents or Profits of the said Lands, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and 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 Lands 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 and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said

Application  
of Compen-  
sation Money  
when amount-  
ing to 100l.

[Local.]

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Consolidated



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 and Hereditaments so to be purchased, in case such Purchases or Settlements were made.

When less  
than 200l.  
and amount-  
ing to 20l.

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in 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 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, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Trustees, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such Principal Money and the Dividends arising therefrom may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When less  
than 20l.

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

Directions  
in Cases of  
not making  
out Titles,  
&c.

XXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded, for the Purchase of any Lands or Hereditaments to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such 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 or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid,



aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy 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 or Hereditaments [describing them], subject to the Order, Control, 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 is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same 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 and 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 Sum or Sums of Money into the Bank as aforesaid.

XXIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interests of any such Bank Annuities, the Person or Persons who shall have been in Possession of any 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 High Court of Chancery; and the Dividends or Interest 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.

XXIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable,

Respecting  
disputed  
Titles.

Court of  
Chancery  
may order  
Trustees to  
pay Ex-  
pences.



sonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Statute  
Work.

XXV. And be it further enacted, That so much of the said recited Act as relates to the Performance of Statute Labour on the said Roads, shall be and the same is hereby repealed; and that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads comprized in the said recited Act, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace, within their respective Jurisdictions, and they are hereby required and empowered, upon Application made to them by the said Trustees, or any Three or more of them, or by their Treasurer, Clerk, or Surveyor by their Order, and also upon giving at least Four Days previous Notice in Writing to the Surveyors of the Highways of each and every Township through which the said Roads pass, of such Application in Manner above mentioned, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which Lists or Names shall be made in such Manner, and under such Regulations and Restrictions, as are or may be directed by any Law or Statute in force 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 subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Roads, within the said respective Townships, as the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, shall from Time to Time order, direct, and 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 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



shall think proper to the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, to be by him or them paid to the said Trustees or their Treasurer, at such Time or Times as the 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 authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Four Days 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 to 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 or liable to by any Law or Statute in force for the Repair of the Public Highways; and if any Person who shall come or be sent to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, and shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and all such Statute Work may be compounded for, and the Composition Monies recovered, as in the said recited Act is provided or mentioned in that Behalf.

XXVI. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act imposed, or authorized to be imposed, shall be recovered and applied in the same Manner as Penalties, Forfeitures, and Fines imposed or authorized to be imposed by the said recited Act are by the same Act lastly and generally mentioned to be recovered and applied.

Recovery  
and Applica-  
tion of Penal-  
ties.

XXVII. And be it further enacted, That all the Charges and Expences attending the obtaining and passing this Act, shall be paid and payable out of the Money already raised by virtue of the said recited Act, or out of the first Money to be raised by virtue of this Act, in preference to any other Payment whatsoever.

Expences of  
obtaining  
this Act.

XXVIII. 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.

[*Local.*]

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XXIX. And



Continuance  
of this Act.

XXIX. And be it further enacted, That this Act shall commence upon the Day the same shall receive the Royal Assent, and shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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