



ANNO UNDECIMO

# GEORGII IV. REGIS.

\*\*\*\*\*

## *Cap. xxi.*

An Act for more effectually repairing, amending, widening, and improving the Road from the *West Cowgate*, near *Newcastle-upon-Tyne*, to the *Alemouth Turnpike Road* in the County of *Northumberland*, and for making and maintaining other Roads communicating therewith. [8th April 1830.]

**W**HEREAS an Act was passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually amending, improving, and keeping in repair the Road from the West Cowgate, near the Town of Newcastle-upon-Tyne, through the West End of Kenton, Ponteland, Higham Dykes, Newham Hedge, Belsay Mill, and South Middleton, to the North Side of the River Wanspeck in the County of Northumberland, and also the Road leading from the said Road to the Alemouth Turnpike Road*: And whereas another Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing and amending an Act of His present Majesty, for repairing the Road from West Cowgate, near Newcastle-upon-Tyne, to the Alemouth Turnpike Road in the County of Northumberland*: And whereas the Trustees for executing the said recited Acts have in the Execution thereof borrowed considerable Sums of Money upon the Credit of the Tolls thereby authorized to be taken, which Money cannot be repaid, nor can the said Road be effectually amended, widened, improved, and kept in repair, unless further Tolls,  
[Local.] 6 I Powers,

37 G. 3. c. 163.

58 G. 3. c. 11.

Powers, and Provisions be granted and made for those Purposes: And whereas the said Road is in some Places narrow and incommodious, and it would be convenient and of great Advantage to the Public if the same were widened and altered: And whereas it would also be for the Accommodation of the Public if Provision were made, in manner herein-after mentioned, for making and maintaining the following Four new or additional Lines or Pieces of Road; (that is to say,) a Road from the North End of the present Road at *Middleton Bridge* to *Wallington Bridge*, all in the Parish of *Hartburn* in the County of *Northumberland*; a Road from the present Road at or near *Belsay* Fir Plantation, in the Parish of *Bolam*, to the Town or Village of *Otterburn* in the Parish of *Elsdon*, all in the said County of *Northumberland*; a Road from the present Road at or near *Belsay* Guide Post, to communicate with the same Turnpike Road at or near *Newham Hedge* Public House in the Parish of *Whalton* in the said County of *Northumberland*; and a Road from the present Road at or near *Newham Hedge* Public House aforesaid to *Kirkley West Gate* in the Parish of *Ponteland* in the said County of *Northumberland*: And whereas it would be convenient if the said recited Acts were repealed, and further and more effectual Powers and Provisions granted and made instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: 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 upon the Third *Tuesday* after the passing of this Act the said recited Acts passed in the Thirty-seventh and Fifty-eighth Years of the Reign of His late Majesty King *George* the Third shall be and the same are hereby severally declared to be repealed; and instead thereof this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, altering, and from Time to Time improving, maintaining, and keeping in repair the present Road from the *West Cowgate*, near the Town of *Newcastle-upon-Tyne*, through the West End of *Kenton*, *Ponteland*, *Higham Dykes*, *Newham Edge*, *Belsay Mill*, and *South Middleton*, to the North Side of the River *Wanspeck* in the County of *Northumberland*; and also for making and from Time to Time improving, maintaining, and keeping in repair the said Four new or additional Lines or Pieces of Road herein-before mentioned, and also herein-after more particularly described; (that is to say,) the said Road from the North End of the present Road at *Middleton Bridge*, through or into the Township of *Wallington* in the said Parish of *Hartburn*, to *Wallington Bridge* in the said Parish of *Hartburn*; the said Road from the present Turnpike Road near *Belsay* Fir Plantation, through or into the Townships of *Ogle* and *Newham* in the Parish of *Whalton*, the Townships of *Belsay*, *Bradford*, and *Harnham*, in the Parish of *Bolam*, the Townships of *East Shaftoe*, *West Shaftoe*, and *Deanham*, in the Parish of *Hartburn*, the Townships of *Capheaton*, *Little Harle*, and *Kirkwhelpington*, in the Parish of *Kirkwhelpington*, the Township and Parish of *Kirkharle*, and the Townships of *Ottercops*, *Monkridge*, and *Otterburn*, in the Parish of *Elsdon*, to the Town or Village of *Otterburn* in the Parish of *Elsdon*,

Recited Acts repealed, and this Act to take effect.

all in the said County of *Northumberland*; the said Road from the present Turnpike Road at or near *Belsay* Guide Post, through or into the Township of *Belsay* in the Parish of *Bolam*, the Township of *Bitchfield* in the Parish of *Stamfordham*, and the Townships of *Ogle* and *Newham* in the Parish of *Whalton*, to communicate with the same Turnpike Road at or near *Newham Edge* Public House aforesaid; and the said Road from the present Turnpike Road at or near *Newham Edge* Public House aforesaid, through or into the Townships of *Kirkley* and *Milburn* in the Parish of *Ponteland*, to *Kirkley West Gate* in the Parish of *Ponteland*, all in the said County of *Northumberland*.

II. And be it further enacted, That all Arrears of Tolls or Rent, or other Monies due to, and all Property, Real or Personal, and all Choses in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said recited Acts hereby repealed, or either of them, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act.

Trust Property vested in the new Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Northumberland*, together with *Robert Lancelot Allgood*, *George Anderson*, *Robert Anthony Atkinson*, *John Murray Aynsley*, *Charles Murray Aynsley*, the Honourable *William Horsley Baresford*, *George Baker*, *William Smith Batson*, *Ralph Bates*, *Nathaniel Bates*, *Thomas Richard Batson*, *Thomas Wentworth Beaumont*, *Matthew Bell*, *Robert Bell*, *Henry Bell*, *Calverley Bewicke Bewicke*, *Charles William Bigge*, *Charles John Bigge*, *Sir Edward Blackett* Baronet, *Ralph Henry Brandling* Clerk, *Charles John Brandling*, *Robert William Brandling*, *George Bray*, *Ralph Carr*, *Thomas Carr*, *William Clark*, *James Graham Clark*, *Edward Collingwood*, *William Couel*, *Robert Couel*, *James Couel*, *William Crawford*, *Shafto Craster*, *Robert Crow*, *John Davidson*, *Thomas Davidson* Clerk, *Thomas Davison*, the Right Honourable *John Lord Decies*, *William Dent*, *Dixon Dixon*, *William Dixon*, *George Dunn*, *Matthew Dunn*, *George Thomas Dunn*, *Cuthbert Dunn*, *John Dutton*, *Frederick Elkins* Clerk, *Cuthbert Ellison*, *James Fenwick*, *Christopher Fenwick*, *Percival Fenwick*, *Thomas William Fenwick*, *John Forster*, *James Forster*, *Thomas Graham*, *Thomas Harle*, *Joseph Hepple*, *John Himsworth*, *John Hodgson* Clerk, *Christopher Jobson*, *John Leighton*, *John Leighton* the younger, *Thomas Leighton*, *John Lightfoot* Clerk, *Sir Charles Loraine* Baronet, *William Loraine* the younger, *William Loraine*, *John Lambton Loraine*, *Septimus Meggison* Clerk, *Sir Charles Miles Lambert Monck* Baronet, *Charles Atticus Monck*, *William Monck*, *John Saville Ogle* Clerk, *John Ogle*, *William Ord* of *Fenham*, *William Ord* the younger, *William Ord* of *Nunnykirk*, the Honourable *Robert Ormston* Lord *Rokeby*, *Thomas Redman* Clerk, *Ralph Riddell*, *Thomas Riddell*, *Ralph Riddell* of *Cheeseburn Grainge*, *Edward Riddell*,

Appointment of Trustees.

*Riddell, Sir Matthew White Ridley* Baronet, *Matthew White Ridley, Richard Burdon Sanderson, George Shadforth, Robert Ingram Shafto, Thomas Singleton Clerk, Thomas Stapleton, Sir David Williams Smith* Baronet, *Sir John Edward Swinburne* Baronet, *Edward Swinburne, Charles Henry Swinburne, Robert Thorp, Sir John Trevelyan* Baronet, *Walter Calverley Trevelyan, Walter Calverley Trevelyan of Ottercops, Raleigh Trevelyan, John Waldie, William Winship, and John Winship,* and their Successors, being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to  
appoint  
additional  
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at their First and Second Meetings, or either of them, to be holden by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees, when so elected and appointed, and being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby invested with the same Powers for executing this Act as if they had been named and appointed in and by this Act.

Meetings of  
Trustees.

V. And be it further enacted, That the said Trustees shall meet at some convenient House or Place on or near the said Roads on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to carry this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and at such Place or Places, either upon or near to the said Road, as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

Power to  
take Tolls.

VI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls authorized to be taken by virtue of this Act, to demand and take at each and every Turnpike, Toll Gate, Side Gate, Bar, or Chain, which by virtue of this Act shall be continued or erected upon, across, or on the Side or Sides of the Roads herein-before described and comprised in this Act, or any of them, on each and every Day, before any Horse, Beast, Cattle, Coach, Cart, or other Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same, the several Tolls following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Barouche, Chaise, Curricle, Chair, Landau, Berlin, Calash, Break, Hearse, Waggon, Wain, Cart, Dray, or other Carriage, any Sum not exceeding Sixpence:

For every Horse or other Beast of Burthen, laden or unladen, and not drawing, any Sum not exceeding Three-pence:

For

For every Drove of Oxen, Cows, or Neat Cattle, any Sum not exceeding One Shilling and Three-pence *per* Score, and so in proportion for a greater or less Number :

And for every Drove of Calves, Hogs, Sheep, or Lambs, any Sum not exceeding Seven-pence Halfpenny *per* Score, and so in proportion for a greater or less Number :

And such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied and disposed of in the Manner herein-after directed.

VII. And be it further enacted, That if the Tolls hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any one of the Turnpikes, Toll Gates, Bars, or Chains to be continued or erected by virtue of this Act, shall have been paid, such Horse, Cattle, Beast, or Carriage shall (upon a Ticket being produced denoting such Payment) be permitted to pass Toll-free through the same Turnpike, Toll Gate, Bar, or Chain, and also through such other Gate or Gates as the Ticket for such Payment shall free, at any Time during the same Day.

Tolls to be paid but Once for passing and repassing on the same Day.

VIII. And be it further enacted, That no more than Four full Tolls shall be demanded or taken for or in respect of the same Horse, Beast, Cattle, or Carriage, (except as is next hereafter provided or mentioned,) for passing and repassing on the same Day through all the Toll Gates or Turnpikes to be continued or erected by virtue of this Act.

No more than Four full Tolls to be paid on all the Roads.

IX. And be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed upon the Credit thereof, shall be laid out or expended in the Amendment, Repair, or Improvement of either of the said Roads directed to be amended, repaired, or improved by virtue of this Act, if there shall be no Toll Gate erected thereupon respectively, and Tolls taken thereat ; nor shall any greater Sum of Money be expended in the Repair of either of such Roads than shall be collected at the Toll Gates or Turnpikes to be erected thereon, or received as Composition for Statute Duty thereon.

No Money to be expended on any Road unless there is a Toll Gate thereon, and Tolls taken thereat.

X. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Car, Caravan, or other Stage Carriage carrying or conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing and repassing along the said Roads ; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, whenever a new Hiring thereof shall have taken place.

Stage Coaches, &c. to pay each Time of passing ;  
Post Chaises on every new Hiring.

XI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall remain undisposed of, and also all the Monies which shall arise and be produced by or from the Tolls by

Application of Tolls.

[*Local.*]

6 K

this

this Act granted or made payable, together with the Monies which shall hereafter be borrowed upon the Credit thereof, and all other Monies which shall arise by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, passing, and obtaining this Act, and otherwise relative thereto; and in the next place, in paying and discharging all Interest now due and owing, and which shall hereafter become due and owing, upon any Mortgages or Securities of the Tolls or Duties hereby granted or made payable, and in defraying the Expences of building or erecting Toll Houses, Toll Gates, and Toll Bars, with suitable Outbuildings thereto, and of removing or altering the same or any of them, and other Conveniences, and in defraying the Expences of making, altering, raising, widening, improving, repairing, and preserving the said Roads, and otherwise in executing the several Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money due on any such Mortgages or Securities as aforesaid, and all other Debts and Sums now due or owing and hereafter to become due or owing in pursuance of this Act.

Power to make the new Line of Roads.

XII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, to set out, make, and complete the several new or additional Lines or Pieces of Road herein-before described, and referred to in the Plan and Book of Reference herein-after mentioned, in such Manner and within the Limits herein-after mentioned, as they shall think proper for the Convenience and Benefit of the Public.

Plans and Books of Reference to remain deposited.

XIII. And whereas a Map or Plan describing the several new or additional Lines or Pieces of Road, and the Lands, Tenements, and Hereditaments through or over which the same respectively are intended to be made or carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited at the Office of the Clerk of the Peace for the County of *Northumberland*, and also at the Office of the Clerk of the Peace for the Town and County of *Newcastle-upon-Tyne*; be it therefore enacted, That the said Maps or Plans and Books of Reference respectively shall remain in the Custody of the respective Clerks of the Peace for the Time being, to the end that all Persons may at all reasonable Times have Liberty to inspect and peruse the same, and take Copies thereof or Extracts therefrom at their Will and Pleasure, paying to any such Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts: Provided always, that the said Trustees in making the said new or additional Lines of Road, or any Part or Parts thereof, shall not deviate more than One hundred Yards from the respective Lines thereof as described in the said Maps or Plans, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Not to deviate more than One hundred Yards from the Map.

XIV. And be it further enacted, That upon the said intended new or additional Lines of Road when completed, the said Trustees shall at their Expence make or cause to be made proper Approaches to the Lands on each Side, with sufficient Gates to the same; and that the said Trustees shall make proper Fences on each Side of the said new Lines of Road, and where there is either cutting or embanking, such Fences shall be made both at the Top and Bottom of the Slopes; and that the said Trustees shall also make proper Drains along the Sides of and under the said new or additional Lines of Road, to conduct the Water to the natural Watercourses, so that the same may not injure the adjacent Fields.

Trustees to cause proper Approaches, &c. to be made.

XV. Provided always, and be it further enacted, That it shall be lawful for the Trustees to make the said new Lines of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of Lands, Tenements, and Hereditaments through or over which the same is set out and described in the said Maps or Plans and Books of Reference, although such Lands, Tenements, or Hereditaments, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in the said Maps or Plans or Books of Reference, in case it shall appear to any Two Justices of the Peace for the County or Place in which the Lands, Tenements, or Hereditaments shall be situate, and be certified in Writing under their Hands, that such Error, Omission, or Mis-statement happened by Mistake.

Misnomers not to prevent the Execution of the Act.

XVI. Provided always, and be it further enacted, That if the said Trustees shall not within the Space of Five Years after the passing of this Act have made and completed the new Lines or Pieces of Road by this Act authorized to be made, then and from thenceforth the Powers to them hereby granted for such Purpose shall cease, determine, and be utterly void and of no effect, save and except with the Consent of the Owners and Occupiers of the Lands and Hereditaments through or into which the said Roads shall lead or pass, any thing herein contained to the contrary thereof in anywise notwithstanding.

Limiting the Period for purchasing Property.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, in making the said new or additional Lines of Road, nor in widening, diverting, or altering the said Roads or any of them, to take or pull down any Dwelling House or other Building, or to take in or make use of any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery of Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Buildings, Gardens, &c. not to be taken without Consent of Owners.

XVIII. 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.

XIX. And

Commence-  
ment and  
Continuance  
of this Act.

XIX. And be it further enacted, That this Act shall commence upon the First *Tuesday* next after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1830.