



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xxii.

An Act for more effectually repairing and improving the 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*. [4th June 1839.]

WHEREAS an Act was passed in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, 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 another Act was passed in the Fifty-eighth Year of the Reign of His said Majesty King *George* the Third, intituled *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*: And whereas the Trustees acting under and by virtue of the said recited Acts have proceeded to put the same into execution, and have borrowed several considerable Sums of Money on the Credit of the Tolls thereby authorized to be taken on the said Road, which Money still remains due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said Road be effectually amended, improved, and kept in repair, unless further Tolls, Powers, and Provisions are granted and made for a further Term; and it would be more convenient to the said Trustees, and beneficial to the

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Recited Acts repealed.

said Road, if the said recited Acts were repealed, and if further Tolls and more effectual Provisions were granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 First Day of *September* next after the passing of this Act the said recited Acts of the Thirty-sixth and Fifty-eighth Years of the Reign of His said Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

This Act to be put in execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall be put into execution, for and during the Term herein-after mentioned, for the Purpose of more effectually amending, widening, altering, improving, maintaining, and keeping in repair the Road leading from *Wearmouth Bridge* to *Tyne Bridge*, with a Branch from the said Road to the Town of *South Shields*, all in the said County of *Durham*.

Appointment of Trustees.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Durham*, together with *Bryan Abbs*, *George Cooper Abbs* (Clerk), *Edward Aiskell*, *James Allison*, *James John Allison*, *William Anderson*, *John Barras*, *George Barras*, *William Barras*, *Edward Backhouse*, *Edward Backhouse* the younger, *Thomas James Backhouse*, *Russell Bowlby*, *William Beckwith* (Silksworth), *Rowland Burdon*, *John Burdon* (Clerk), *Thomas Baker* (Clerk), *William Bell*, *John Buddle*, *Thomas Barnes* (Whitburn), *Robert William Brandling*, *James Brandling*, *Robert Henry Brandling* (Clerk), *Christopher Bramwell*, *William Hunter Burne*, *Joseph Brown* (Doctor of Medicine), *Thomas Brunton*, *William Sedly Burn* (Doctor of Medicine), *Thomas Bell*, *Sir William Chaytor* Baronet, *Matthew Hutton Chaytor*, *Ralph Carr*, *Robert Burdon Cay*, *Abel Chapman*, *Isaac Cookson*, *John Clayton*, *John Collinson* (Clerk), *James Carr* (Clerk), *John Davison*, *Edward Davison*, *John Dutton*, *Robert Dawson* (South Shields), *William Ettrick* (Clerk), *Anthony Ettrick*, *Cuthbert Ellison* (Hepburn), *Addison Fenwick*, *Robert Fenwick*, *George Fenwick*, *Walker Featherstonehaugh*, *Richard Carter Foster*, *George Townsend Fox*, *William Fox*, *Robert Stote Fox*, *Thomas Forrest*, *John Grimshawe*, *Robert Green* (Clerk), *Joshua Green*, *William Grey*, *John Gregson*, *Charles Grant* (Clerk), *Francis Gray*, *John Gibbon*, *Robert Green* (of Longhorsley, Clerk), *Robert Green* (Clerk), *Nathan Horn*, *Frederick Horn*, *William Hill* the younger, *William Hill* (Ryehope), *Nathaniel G Hollingsworth* (Clerk), *William Hymers*, *George Hudson* (Monkwearmouth Grange), *Michael Hall*, *William Harrison*, *Allan Horn*, *Robert Ingham* Member of Parliament, *Benjamin Kennicott* (Clerk), *Hedworth Lambton* Member of Parliament, *Philip Laing*, *John Lotherington*, *John Stote Lotherington*, *Henry Thomas Liddell* Member of Parliament, *Jacob Maude*, *Thomas Maude*, *Thomas Mounsey*, *John Mounsey*, *John Miller* (Doctor of Medicine), *Charles Milner*, *Bernard Ogden*, *Henry Ogden* (Doctor of Medicine), *John Pemberton*, *Ralph Stephen Pemberton*, *Richard Pemberton*, *William Pollock*, *Samuel Walker Parker* (Scotch House), *George Paul*, *Richard Laurence Pemberton*, *William Grey Robinson*, *William Russell*

Russell (Brancepeth Castle), Thomas Robson, Edward Capper Robson, Robert Reay, Henry Rudd, Jonathan Richardson, Edward Richardson, Thomas Read, Andrew Stoddart, Robert Smart, Joseph Simpson, Charles Simpson, Richard Spoor, Nicholas Appleby Spoor, George Stephenson (Clerk), Sir Cuthbert Sharp, John Scott, Richard Scott, Robert Scarfield, Barnabus Sharp, Richard Shortridge, Thomas Salmon, Robert Swan, Barlow Sharp, John Storey (Monkwearmouth), William Snowball, Robert Spoor, Robert Walter Swinburne, John Strakes, William Thompson (Member of Parliament), Thomas Taylor, Albany Wade (Clerk), Sir Hedworth Williamson Baronet, William Hamilton Williamson, Robert Hopper Williamson (Clerk), John William Williamson, the Honourable and Reverend Gerald Valerian Wellesley (Doctor of Divinity), William Webb (Clerk), Thomas Wilkinson, Robert Thomas Wilkinson, Rowland Webster, Christopher Maling Webster, Andrew White Member of Parliament, Richard White, John Wylam, Ralph Wylam, John Twizell Wawn, Caleb Wilson, Joseph John Wright, Joshua Wilson, Thomas Waller junior, Robert Wallis, and William Yellowley, being duly qualified to act as Trustees of Turnpike Roads in England, shall be and they are hereby appointed Trustees for putting this Act into execution.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England* (not exceeding Three in the whole), in addition to the Number of Trustees herein named and appointed, to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

For appoint-
ing additional
Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the Commission Rooms in the *Exchange Buildings* in *Sunderland* aforesaid, or at some other convenient Place or House, on the Eighth Day of *September* next after the passing of this Act, or as soon afterwards as conveniently may be; and the said Trustees 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 Time and Times, and at such Place or Places in the Neighbourhood of the said Road, as they shall think proper.

First Meeting
of Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person being a Lessee or Farmer or appointed or continued to be appointed Collector of the Tolls to be taken by virtue of this Act, to demand and take, at each and every of the Toll Gates now erected or hereafter to be erected by virtue of this Act, (unless the said Trustees shall otherwise order and direct,) the several Tolls following; (that is to say,)

Power to take
Tolls.

For each and every Horse, Mule, Ox, or other Beast of Draught, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, or other such Carriage, the Sum of Sixpence :

For

For each and every Horse, Mule, Ox, or other Beast, drawing any Waggon, Wain, Cart, or Carriage having Wheels of the Breadth of Six Inches and upwards, the Sum of Four-pence ;

And having Wheels of the Breadth of Four and a Half Inches and under Six Inches, the Sum of Five-pence ;

And having Wheels of the Breadth of Three Inches and under Four and a Half Inches, the Sum of Nine-pence ;

And having Wheels of a less Breadth than Three Inches, the Sum of One Shilling :

For every Coach, Waggon, Vehicle, or other Carriage, of whatever Description, propelled or drawn by Steam, Gas, or any other like Means, for each Horse Power the Sum of One Shilling :

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

For every Mule or Ass, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number :

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number :

Which said Tolls shall be and the same are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after mentioned.

Tolls to be paid but once a Day.

VII. Provided always, and be it further enacted, That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse or Horses, Cattle, Beasts, Carriage or Carriages, through any of the Toll Gates continued or to be erected by virtue of this Act, the same Horse or Horses, Cattle, Beasts, Carriage or Carriages, shall (upon a Ticket denoting the Payment thereof on that Day being produced) be permitted to pass Toll-free (except as herein-after mentioned) through the same Toll Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times and from Time to Time during the Remainder of the same Day (such Day to be computed from Twelve of the Clock in the preceding Night to Twelve of the Clock in the next succeeding Night), any thing herein contained to the contrary thereof in anywise notwithstanding.

Limiting the Number of Tolls to be taken on the Roads.

VIII. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken from any Person or Persons, for or in respect of any Horses, Cattle, Beasts, or Carriages, in any One Day, for passing or repassing through all the Toll Gates or Turnpikes to be continued or erected by virtue of this Act on the whole Length of the said Road from *Wearmouth Bridge* to *Tyne Bridge* aforesaid ; and no more than One full Toll shall be demanded or taken from any Person or Persons, for or in respect of any Horses, Cattle, Beasts, or Carriages, in any One Day, for passing or repassing through all the Toll Gates or Turnpikes to be continued or erected by virtue of this Act on the whole Length of the said Road

Road from *Wearmouth Bridge* to *South Shields* aforesaid ; but that all and every Person and Persons, having paid the said Two Tolls or One Toll (according to the Circumstances), and producing a Ticket or Tickets denoting the Payment thereof (which Tickets the Collectors of the Tolls are hereby required to give *gratis* on the Receipt of such Tolls), shall be permitted to pass and repass, with the same Horses, Cattle, Beasts, and Carriages, Toll-free, during such Day, through all other the Toll Gates or Turnpikes to be erected in such several Parts or Divisions of the said Road as last aforesaid.

IX. Provided also, and be it further enacted, That for and in respect of the Horses or other Cattle drawing any Stage Coach, Omnibus, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage for the Conveyance of Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike Gate or Bar, the Tolls hereby made payable shall be paid for every Time of passing and repassing through every such Gate or Bar, in like Manner as if no Toll had been before paid thereat : Provided nevertheless, that no further or additional Toll shall be payable in respect of Stage Coaches, Stage Waggons, Vans, Caravans, Carts, or other Stage Carriages, on account of the Horses drawing the same having been changed on the Road.

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

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

Post Chaises on every new Hiring.

XI. Provided likewise, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, or any other like Means, shall be paid every Time of passing and repassing of such Carriage along the said Road.

Carriages propelled by Steam, &c. to pay every Time.

XII. 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 this Act granted or made payable, together with the Monies which shall be borrowed upon the Credit thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in order and manner following ; (that is to say,) in the first place, in the Payment of all Costs, Charges, and Expences which shall have been incurred in applying for, preparing, passing, and obtaining this Act, and otherwise relating thereto ; secondly, in paying and discharging all the Interest which shall be owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore payable under the said recited Acts hereby repealed ; thirdly, in paying and discharging all Interest which shall hereafter accrue or become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties

Application of Tolls.

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which shall hereafter be payable on the said Road; fourthly, in defraying the Expences of building or erecting any additional Toll House and Toll Gate, Toll Houses and Toll Gates, suitable Out-buildings, and other Conveniences, to be built and erected by the Sides of or upon and across the present Road; fifthly, in defraying the Expences of making or diverting, altering, raising, widening, improving, repairing, and preserving the said Road, and erecting and providing, altering and repairing, the Turnpikes, Toll Gates, Bars, Chains, Toll Houses, and Outbuildings as aforesaid, and otherwise in executing the other Purposes of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been already borrowed or secured upon the Tolls or Duties payable under the said recited Acts hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured upon the Tolls or Duties hereby authorized to be collected, and all other Debts and Sums now due or hereafter to become due and owing by or on account of the Trust under and by virtue of this Act.

No Money to be laid out on the Branch Road unless Tolls be collected thereon.

XIII. Provided always, and be it further enacted, That no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any Road authorized to be repaired by virtue of this Act, unless some Turnpike, Toll Gate, or Bar shall be erected or placed and continued upon such Road, or on the Side thereof, nor unless the Tolls hereby granted shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Road than shall be collected thereon or borrowed on the Credit thereof.

No Money to be expended in repairing certain Roads.

XIV. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Act hereby repealed, or to be raised by virtue of this Act, in repairing or amending any Part of the said Turnpike Roads in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any Local Act of Parliament, nor to collect any Toll therein.

Construction of Wheels.

XV. And be it further enacted, That from and after the passing of this Act, if the Tire or Tires of any Wheel or Wheels of any Waggon, Cart, or any other such Carriage which shall be used or drawn on the said Road, and which shall be of the Breadth of Four Inches and a Half and under Nine Inches, shall not be so made or constructed as to bear Five Parts in Six of their Breadth on the Road or on any level Surface, the Horses, Cattle, or Beasts drawing every such Waggon, Cart, or other such Carriage shall be liable to and charged with Toll as drawing a Waggon, Cart, or other such Carriage having Wheels of less Breadth than Six Inches.

Notice to be given of borrowing Money.

XVI. Provided always, and be it further enacted, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls to be

be collected after their First Meeting, unless Notice be for that Purpose fixed, in Writing under the Hand of the Clerk of the said Trustees, upon all and every the Turnpike Gates already erected or to be erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

XVII. And be it further enacted, That if any Person or Persons shall hang out any Linen or other Clothes within Forty Feet from the Centre of the said Road, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings. Penalty for hanging Clothes near the Road.

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. Public Act.

XIX. And be it further enacted, That this Act shall commence and take effect on the First Day of *September* next after the passing of this Act, and shall thenceforth 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. Term of Act.

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