



ANNO SEPTIMO

GULIELMI IV. REGIS.

Cap. xvi.

An Act for more effectually repairing the Road from the Turnpike Road between *Gateshead* and *Hexham*, near *Lobley Hill* in the County of *Durham*, to *Burtryford* in the Parish of *Stanhope* in the same County, together with several Branches therefrom. [21st April 1837.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing, widening, and altering the Road from the Turnpike Road between Gateshead and Hexham, near Lobley Hill in the Parish of Whickham in the County of Durham, to Burtryford in the Parish of Stanhope in the same County, and a Branch from the said Road near Bryan's Leap in the County of Durham to the Corbridge Turnpike Road near Blackhedley in the County of Northumberland, and another Branch from the said Road at Wolsingham in the County of Durham to Crossgate near the City of Durham*: And whereas another Act was passed in the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing and amending an Act of the Thirty-third Year of His present Majesty, for repairing the Road from the Turnpike Road between Gateshead and Hexham, near Lobley Hill in the County of Durham, to Burtryford in the Parish of Stanhope in the same County, together with several Branches therefrom*:
[Local.] 5 E And

Recited Acts
repealed.

And whereas the Trustees appointed by virtue of the said Acts have proceeded to put the same into execution, and for that Purpose borrowed large Sums of Money upon the Credit of the Tolls thereby authorized to be taken, which Money, with a considerable Arrear of Interest, still remains due, and cannot be repaid, and the said Road properly maintained and improved or kept in repair, unless the Powers and Provisions of the said Acts are altered and enlarged, and other Tolls granted for those Purposes: And whereas it is expedient that the said recited Acts should be repealed, and other and additional Powers granted in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most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of the same, That from and after the Commencement of this Act the said recited Acts shall be and the same are hereby repealed.

This Act to
be put in
execution
instead
thereof.

II. And be it further enacted, That instead thereof this Act shall be put in execution for the Purpose of more effectually repairing, altering, improving, and keeping in repair the present Road from the Turnpike Road between *Gateshead* and *Hexham*, near *Lobley Hill* in the County of *Durham*, to *Burtryford* in the Parish of *Stanhope* in the same County, and a Branch from the said Road near *Bryan's Leap* in the County of *Durham* to the *Corbridge* Turnpike Road, near *Blackhedley* in the County of *Northumberland*, and another Branch from the said Road at *Wolsingham* in the County of *Durham* to *Crossgate* near the City of *Durham*.

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 *Durham*, together with *Adam Askew*, *Bryan Abbs*, *John Adamson*, *William Annandale*, *Peter Annandale*, *Thomas Andrews*, *Robert Balaney*, *James Backhouse*, *Edward Backhouse*, *William Backhouse*, *William Beckwith junior*, the Honourable *George Barrington*, *George Thomas Leaton Blenkinsop*, *Blenkinsop*, *Thomas Wentworth Beaumont*, *Cuthbert Bainbridge of East Gate*, *Robert Bainbridge*, *William Bainbridge*, *Philip Brownrigg Clerk*, *Thomas Blackett*, *Henry Bourne*, *Robert Hodgson Bourne*, *Robert Ward Browell*, *Nicholas Burnett*, *George Hopper Burnett*, *Nicholas Hopper Burnett*, *George Brumwell*, *Thomas Edward Charlton*, *John Cookson*, *Isaac Cookson*, *Thomas Cookson*, *William Elvetius Clavering*, *George Crawhall*, *Isaac Crawhall*, *William Crawhall*, *William Cumming*, *John Carr*, *John Collinson Clerk*, *Morton John Eden Davison*, *John Dolphin*, *William Nicholas Darnell Clerk*, *Robert Moses Dinsdale*, *Sir Robert Eden Baronet*, *John Fogg Elliot*, *Joseph Obadiah Emerson*, *William Emerson*, *Thomas Emerson*, *John Emerson*, *George Emerson*, *Thomas Fenwick*, *William Greenwell of Kibblesworth*, *Thomas Greenwell of Durham*, *William Thomas Greenwell of Greenwellford*, *John Greenwell of Broomshields*, *Thomas Greenwell*, *John Greenwell of Sunderland*, *William Greenwell*, *Allan Greenwell*, *Francis Greenwell*, *Henry Nicholas Greenwell*, *Nicholas Greenwell*, *Thomas Hopper of Shotleyfield*, *Robert Hilyard*, *Thomas Hopper of Durham*, *John Hutchinson*, *Edward Jackson of Newcastle*, *Newby Lowson*, *Hedworth Lambton*,

*Lambton, William Henry Lambton, the Right Honourable Henry Liddle, Robert Lynn, John Muschamp, John Dover Muschamp, Sir C Monck, John Nwin, Joseph Proud of Edmondbyers, Thomas Peacock, Robert Potts, Richard Richardson Doctor in Divinity, Cuthbert Rippon of Stanhope Castle, Cuthbert Rippon junior, William Shields, Charles Silvertop, Anthony Surtees of Hamsterly Hall, Robert Surtees, Robert S Surtees, William Thomas Salvin, Bryan Salvin, George Sowerby, Edward Shepperdson, John Selby, Robert Stagg, Charles Thorpe Doctor in Divinity, Joseph Thompson Clerk, Joseph Thompson junior, Clerk, Francis Bradshaw Taylor, William Wilson Clerk, Anthony Walton, John Walton, Thomas White Clerk, Thomas Wilkinson, George Hutton Wilkinson, George Wilkinson, Anthony Wilkinson of Coxhoe, Clennel Wilkinson, Thomas Wilson, Jacob Wilson, Joseph Wooler, Joseph Snaith Wooler, John Lloyd Wooler, William Alexander Wooler, John Wooler, Jonathan Wooler, George John Wooler, George Darnell Wooler, William Emerson Wooler, Henry Witham, and Lewis Walton, and those Persons who shall be elected to succeed them, being duly qualified to act as Trustees of Turnpike Roads, according to the Laws for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act, and the several Acts in force relating to Turnpike Roads in *England*.*

IV. And be it further enacted, That it shall and may be lawful for the Trustees appointed by this Act, at any Meeting from Time to Time to be held for that Purpose, (of which Meeting and of the Purpose thereof Ten Days Notice shall be given as is directed by the Acts in force relating to Turnpike Roads in *England* respecting the Appointment of Trustees on Vacancies,) to elect, nominate, and appoint any Number of fit Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding in the whole Three, to be Trustees for the Purposes of this Act in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities as if they had been named and appointed by this Act.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting after the passing of this Act at *Lanchester* in the said County of *Durham*, or at some convenient House or Place on or near the said Road, on the First *Monday* next after the Commencement of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and Four in the Afternoon, and shall then and there proceed to put 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 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.

First Meet-
ing of
Trustees.

VI. And be it further enacted, That from and after the Commencement of this Act there shall be demanded and taken, at each and every Turnpike, Toll House, or Toll Bar, or Chain, now erected, set up,

Power to
take Tolls.

up, and continued, or which shall hereafter be erected or set up, upon or across or on the Side of the said Road, by each and every such Person and Persons as the said Trustees shall from Time to Time appoint for that Purpose, or their Lessees, before any Horse, Mule, Ass, Beast, or other Cattle, or any Coach, Cart, or other Carriage, shall be permitted to pass through the same, any Sum not exceeding the respective Tolls following; (that is to say,)

For every Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Chair, Gig, or Hearse, drawn by Horses or other Beasts of Draught, the Sum of Four-pence for each Horse or other Beast of Draught drawing the same :

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

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

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

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

For every Four-wheeled Waggon or Two-wheeled Wain or Cart, having the Sole or Bottom of the Fellies of the Wheels thereof of any Breadth or Gauge of not less than Four Inches, and rolling a flat or level Surface of that Breadth, and drawn by any Number of Horses, Oxen, or other Beasts of Draught, the Sum of Two-pence for each Horse, Ox, or other Beast of Draught :

And the like Carriages, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a less Breadth or Gauge than Four Inches and not less than Three Inches, and drawn by any Number of Horses, Oxen, or other Beasts of Draught, the Sum of Four-pence for each Horse, Ox, or other Beast of Draught :

And the like Carriages, having the Sole or Bottom of the Fellies of the Wheels thereof rolling a flat or level Surface of a less Breadth or Gauge than Three Inches and not less than Two Inches and One Half, and drawn by any Number of Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence for each Horse, Ox, or other Beast of Draught :

And all and every the like Carriages having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Two and a Half Inches, to pay Sixpence for each Horse, Ox, or other Beast of Draught :

For Coal to pay One Penny Halfpenny, and for Lime to pay One Penny, for each Horse, Ox, or other Beast of Draught, for every Time of passing through each Gate, until the Expiration of Two Years from the Commencement of this Act, and after that Time to pay One Half of the Tolls, according to the Breadth or Gauge of the Wheels, and the Number of Horses, Oxen, or other Beasts of Draught drawing the same, except for Limestones and Lime for the Purpose of Agriculture, which shall pay Two Tolls and no more in any One Day on any Line of the said Road, although the
same

same may pass through several Turnpikes, Toll Bars, or Chains now erected or hereafter to be erected on the said Roads, such Tolls to be paid at the first Two Gates through which the said Limestones or Lime shall pass :

For every Carriage, of any Description whatever, propelled by Steam, Gas, Machinery, or any other like Means, any Sum not exceeding the Sum of Two Shillings :

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

VII. And be it further enacted, That in all Cases where there shall be a fractional Part of One Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded, paid, and taken in lieu of such fractional Part. Tolls to be taken when amounting to a fractional Part.

VIII. And be it further enacted, That all and every the Toll Gates, Toll Bars, Turnpikes, and Toll Houses, and Weighing Machines now standing and being upon the said Road and Branches, or upon the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees; and that it shall and may be lawful for the said Trustees, or any Five or more of them, at a public Meeting of the said Trustees, to order and cause to be erected set up, and built, upon, in, or across the said Road or any Part thereof, or upon the Sides thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the present Toll Gates, Turnpikes, and Side Gates, and such future Gates, Turnpikes, Side Gates, Side Bars, and Chains, as they the said Trustees shall think proper. Present Toll Gates to be continued.
Additional Toll Gates may be erected.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees or any Five or more of them, and they are hereby empowered, from Time to Time, when and so often as they shall think proper, to cause any of the Turnpikes or Toll Gates and Toll Houses which are already erected in, upon, or across or on the Side or Sides of the said Road and Branches of Road respectively, by virtue of the said recited Acts, and continued by this Act, and all and every or any Toll Gate and Toll House to be erected on the said Road by virtue of this Act, to be removed to and erected in, upon, or across or on the Side or Sides of such other Part or Parts of the said Road and Branches of Road respectively as the said Trustees shall from Time to Time at any Meeting order and direct, provided that none of the said Toll Gates or Turnpikes shall be removed as aforesaid unless Fourteen Days previous Notice of the Intention to remove the same shall have been given in One or more of the Newspapers published at *Durham* in the County of *Durham*, or *Newcastle upon Tyne* in the County of *Northumberland*. Power to remove Toll Gates.

X. And be it further enacted, That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Tolls to be paid but once for
Beast,
[Local.] 5 F

passing and
repassing on
the same
Day.

Beast, or Carriage through any One of the Turnpikes, Toll Gates, Bars, or Chains to be continued or erected upon, across, or on the Sides of the said Road, 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 Side Gate or Side Gates, as the Ticket for such Payment shall free, at any Time during the same Day.

Stage
Coaches, &c.
to pay every
Third Time
of passing
and repass-
ing.

XI. And be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, Stage Waggon, Car, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Tolls shall have been paid at any such Toll Gate, Turnpike, Side Gate, or Chain as aforesaid, and which shall return through the same on the same Day, the respective Tolls herein-before mentioned and made payable shall be paid for every Third Time afterwards, both of passing and repassing, on the same Day, through every such Toll Gate, Turnpike, Side Gate, and Chain, in the like Manner as if no Toll had before been paid thereat.

Post Chaises
having a
fresh Hiring
to pay each
Time of
passing.

XII. And be it further enacted, That the respective Tolls hereby made payable shall be paid for and in respect of all Horses and other Beasts of Draught travelling for Hire, and drawing any Post Chaise or other Carriage, for every Time of passing or repassing along the said Road as often as a fresh Hiring thereof shall take place.

Tolls to be
paid by
Carriages
propelled
by Steam.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, Machinery, or any other like Means, shall be paid every Time of passing and repassing of such Carriage through each Toll Gate, Turnpike, Side Gate, or Chain on the said Road.

Application
of Tolls.

XIV. And be it further enacted, That all Monies which before the Commencement of this Act shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which on the Commencement of this Act shall remain undisposed of, and also all the Monies which shall arise and be produced by or from the Tolls by this Act granted and made payable, and all other Monies which shall arise by virtue of this Act, 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 Costs, Charges, and Expences which shall have been incurred in applying for, preparing, passing, and obtaining this Act, and otherwise relative thereto; in the second place, in defraying the Expences of making, forming, repairing, widening, improving, and altering the said Road, and of erecting and maintaining necessary and convenient Bridges and Culverts, and in defraying the Expences of building or erecting and keeping in repair 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 of executing the several other Powers and Purposes of this Act; and, in the third place, in paying and keeping down the Interest of the Monies subscribed and advanced for the Purposes of this Act upon any Mortgages of the Tolls or Duties hereby granted or made payable; and, lastly, in reducing,
paying

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 of Money now due or owing and hereafter to become due or owing in pursuance of this Act.

XV. Provided always, and be it further enacted, That no Part of the Monies arising from the said Tolls, or to be borrowed on the Credit thereof, shall be laid out in or applied to the paving of any Streets or repairing any Pavements in any Town through, to, or from which any Part of the said Road doth lead.

No Part of Tolls to be laid out in repairing Streets.

XVI. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any of the said Roads, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road or on the Side thereof, nor unless the said Tolls 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 of the said Roads than shall be collected thereat, or borrowed on the Credit of the Tolls collected thereon.

No more Money to be laid out on any Road than is collected thereon.

XVII. 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.

XVIII. And be it further enacted, That this Act shall commence upon the Thirteenth Day of *May* One thousand eight hundred and thirty-eight, 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.

Commencement and Continuance of the Act.

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