



ANNO DECIMO

# GEORGII IV. REGIS.

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## *Cap. xxviii.*

An Act for more effectually amending, improving, and maintaining the Roads from *Percy's Cross* to *Milfield Burn*, and from *Wooler* to *Bowson Burn*, in the County of *Northumberland*.

[13th April 1829.]

**W**HEREAS an Act was passed in the Forty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for making and maintaining Roads from Percy's Cross to Milfield Burn, and from Wooler to Bowson Burn, in the County of Northumberland*: And whereas another Act was passed in the Forty-eighth Year of the Reign of His said late Majesty, intituled *An Act for altering and amending an Act passed in the last Session of Parliament, for making and maintaining Roads from Percy's Cross to Milfield Burn, and from Wooler to Bowson Burn, in the County of Northumberland*: And whereas the Trustees acting in the execution of the said Acts have borrowed a considerable Sum of Money on the Credit of the Tolls authorized to be taken by the said Acts, which Money still remains due and owing, and cannot be repaid, nor can the said Roads be effectually amended, improved, and kept in repair, unless the Term of the said Acts be extended, and the Powers thereof altered and enlarged, and the Tolls increased; and it would facilitate the Execution of the Purposes aforesaid if the

47G.3.Sess.2.  
c.13.

48G.3. c.60.

[Local.]

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said



Recited Acts  
repealed.

said Acts were repealed: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the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 Second *Wednesday* next after the passing of this Act the said recited Acts made in the Forty-seventh and Forty-eighth Years of His said late Majesty King George the Third shall be and the same are hereby declared to be repealed.

This Act to  
be put in ex-  
ecution for  
the Repair of  
the Roads.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually improving and keeping in repair the Roads from *Percy's Cross* to *Milfield Burn*, and from *Wooler* to *Bowson Burn*, in the County of *Northumberland*.

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 Sir *Henry Askew* Knight, *Thomas Grey Alder*, *Robert Lancelot Allgood*, *James Allgood* Clerk, Sir *Francis Blake* Baronet, the Honourable *Henry Grey Bennett*, *Bryan Burrell*, *William Sadleir Bruere*, *William Wharton Burdon*, *Thomas Bates*, *William Bailey*, *Nicholas Bailey*, *William Compton* Clerk, *Anthony Compton*, *John Carr of Ford*, *Henry John William Collingwood*, *Frederick John Watson Collingwood*, *Edward Collingwood*, *John Carr of Hedgeley*, *Alexander Davison*, *Hugh Percy Davison*, Sir *William Davison* Knight, *John Strangeways Donaldson*, *George Darling*, *John Frankland*, *John Grey of Millfield Hill*, *George Grey*, *John Grey of Kimmerston*, *Anthony Gregson*, *James Gray*, *John Gray*, the Honourable *Henry Lord Viscount Howick*, Sir *Carnaby Haggerston* Baronet, *Thomas Haggerston*, *William Haigh* Clerk, *Christopher Howey*, *Thomas Howey*, *George Hughes*, *Joseph Hughes*, *Christopher Hopper*, *Robert Ilderton*, *William Jobson*, *Robert Jobson*, *Collingwood Forster James*, the Honourable *Henry Thomas Liddell*, *John Lambert*, *William Lowrey*, *John Langhorne*, *William Laws*, *John Charles Langlands*, *Henry Morton*, *John Nisbit*, *William Nelson*, *Robert Neal*, the Honourable *Charles Lord Viscount Ossulston*, *John Ord*, Sir *Horace David Cholwell St. Paul* Baronet, *Charles Maximilian St. Paul*, *John Pratt*, *George Hughes Pringle*, *William Roddam*, *James Rea*, *John Rea*, *Lancelot Reed*, *Christopher Robinson* Clerk, *Prideaux Selby*, *Thomas Selby*, *Robert Selby*, *Edward Swinburne*, *John Sandford* Clerk, *Richard Thompson*, *John Tewart*, *William Tewart*, *Henry Baker Tristram* Clerk, *John Allan Wilkie*, 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.

Meetings of  
Trustees.

IV. And be it further enacted, That the said Trustees shall meet together on the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and Two in the Afternoon, at the *Tankerville Arms Inn* in the Parish of *Wooler* in the said County, or at some other convenient Place on or near the said Roads, and then and

there



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 Places on or near the said Roads as they shall think proper.

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

Power to  
appoint ad-  
ditional Trus-  
tees.

VI. And be it further enacted, That upon and from and after the Second *Thursday* next after the passing of this Act the respective Sums herein-after mentioned shall or may be demanded and taken for Tolls upon the said Roads; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Landau, Berlin, Phaeton, Chariot, Chaise, Calash, Hearse, Caravan, Curricule, Gig, Chair, or other such like Carriage, the Sum of Four-pence Halfpenny:

For every Horse, Mule, Ox, or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, the Fellies of the Wheels whereof are of a less Breadth than Six Inches, the Sum of Four-pence Halfpenny; and for every Ass drawing any such Carriage, the Sum of Three-pence:

For every Horse, Mule, Ox, or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, where the Fellies of the Wheels thereof are of a greater Breadth than Six Inches, the Sum of Three-pence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence; and for every Ass, laden or unladen, and not drawing, the Sum of One Penny:

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

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

VII. Provided always, and be it further enacted, That if any Person shall have paid Toll for the passing of any Horse or other Beast through any One of the Turnpikes or Toll Gates, Bars or Chains, to be continued or erected upon the said Roads, such Horse or other Beast shall (upon a Ticket being produced denoting such Payment for that Day, and which Ticket the Collector or Collectors of such Toll is and are hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates, if any, freed by the Payment of such Toll,) be permitted to pass Toll-free through the same Toll Gate, 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 Once a  
Day.

VIII. Pro-



Limiting the  
Number of  
Tolls.

VIII. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken for or in respect of the Passage of the same Horses or other Beasts, on the same Day, through all the several Turnpikes or Toll Gates, Bars or Chains, to be continued or erected on the said Road from *Percy's Cross* to *Milfield Burn*; nor more than One full Toll for or in respect of the Passage of the same Horses or other Beasts or Cattle, on the same Day, through all the several Turnpikes or Toll Gates, Bars or Chains, to be continued or erected on the said Road from *Wooler* to *Bowdon Burn*.

Tolls on Stage  
Coaches and  
Post Chaises.

IX. Provided always, and be it further enacted, That the Tolls hereby made payable for and in respect of all Horses or other Beasts drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, shall be paid for every Time of passing or repassing through each of the Turnpikes or Toll Gates upon the said Road; and also for or 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 through each of the Turnpikes or Toll Gates upon the said Road, whenever a new Hiring thereof shall have taken place.

Power to  
make a  
Diversion.

X. And whereas that Part of the said Road from *Percy's Cross* to *Milfield Burn* which lies between *Lilburn Allers* and *High Haugh Head* might be made shorter and on a better Level if a Deviation or Diversion were made through Lands belonging to *Henry John William Collingwood* Esquire and the Right Honourable *Charles Augustus* Earl of *Tankerville*, in the Line described in the Map or Plan of the said Roads which has been deposited at the Office of the Clerk of the Peace for the said County of *Northumberland*; be it therefore enacted, That the said Trustees may and they are hereby empowered to make the said Diversion in the said Road between *Lilburn Allers* and *High Haugh Head* aforesaid, when and so soon as the Consent and Approbation in Writing of the said *Henry John William Collingwood* and *Charles Augustus* Earl of *Tankerville* respectively, or the Owner or Owners for the Time being of the Lands or Premises through which such Diversion is to be made, shall be obtained for that Purpose.

Power to  
order certain  
Highways  
to be stopped  
up.

XI. And whereas, when and so soon as the Diversion herein-before mentioned shall have been made, the said Road will be greatly improved and rendered more convenient to the Public, and by means thereof so much of the Highway or Road branching from the said Turnpike at or near to a Place called *Sandy Bank*, and leading to or towards the Village of *Ilderton*, as goes through or across a certain Field called *Thew's Law*, belonging to the said *Charles Augustus* Earl of *Tankerville*, and now in the Occupation of *James Rea*, may become unnecessary, and may be stopped up and discontinued: And whereas that Part of the ancient Highway for which the Line of the present Turnpike Road was substituted, running through the Grounds of *Matthew Culley* Esquire, in the Township of *Akeld* in the Parish of *Kirknewton* in the said County of *Northumberland*, which commences at a certain Ford on the River *Glen* called *Glenly Ford*, and joins the said Turnpike Road leading



leading from *Percy's Cross* to *Milfield Burn*, at a short Distance to the South of *Erwart West Lodge*, has fallen into Disuse, and might without Inconvenience to the Public be shut up and discontinued; be it therefore enacted, That it shall and may be lawful to and for the said Trustees, at any Meeting or Meetings to be held in exercise of the Powers of this Act, by Order under their Hands and Seals, and they are hereby authorized and empowered, to order and direct that the said Highways or Roads, or either of them, shall be stopped up and discontinued at the End of Four Calendar Months next after the Date of such Order; and from and after the Expiration of such Four Calendar Months it shall not be lawful for any Person or Persons whomsoever thereafter to use that Part of the said Highways or Roads, or such of them as shall be so stopped up and discontinued, but the same shall from thenceforth cease to be common Highways or a common Highway to all Intents and Purposes whatsoever, save and except such Order shall be quashed or set aside by an Appeal to be made as herein directed: Provided always, that Notice in Writing of such Order having been made as aforesaid shall be affixed on some conspicuous Place by the Side of the Highways or Roads so ordered to be stopped up and discontinued, and also on the Church Door of the Parish or Parishes in which such Part of the said Highway or Road is situate, immediately before Divine Service, upon Three successive *Sundays* next after the making thereof, and also inserted Twice in some public Newspaper usually circulated in the County of *Northumberland*, for the Purpose of enabling any Person or Persons who may be aggrieved by the said Order to make the Appeal against the same herein provided; nor shall any such Road be stopped up or discontinued in case such Person or Persons shall make any such Appeal within Four Calendar Months next after the making of such Order, until after the Determination of such Appeal.

XII. And be it further enacted, That it shall and may be lawful to and for any Person or Persons who may be aggrieved by the making of any Order hereby authorized for stopping up and discontinuing any Part of the said Highways or Roads, or either of them, to appeal against the same to the Justices of the Peace at any General or Quarter Sessions of the Peace for the said County of *Northumberland* which shall be held within the Space of Four Calendar Months next after the making of such Order, upon giving Notice in Writing of such Appeal, duly signed by him, her, or them, to or leaving the same at the usual Place of Residence of the Clerk to the said Trustees for the Time being, at least Ten clear Days before such General or Quarter Sessions of the Peace; and the Justices assembled at such General or Quarter Sessions are hereby authorized and required, upon due Proof before them by the Appellant or Appellants of such Notice having been regularly given by him, her, or them as aforesaid, to hear and determine the said Appeal, and to confirm or quash or set aside the said Order, and upon the quashing or Confirmation of the said Order, to award and adjudge the Party against whom the said Appeal shall be determined to pay such Costs as the said Justices shall appoint; and the said Appeal, being so heard and determined, shall be final and conclusive to all Intents and

[*Local.*]

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Purposes

Purposes whatsoever; and no Order against which any such Appeal shall be made as aforesaid shall be quashed for Want of Form only.

Order final  
if Appeal  
not made.

XIII. Provided also, and be it further enacted, that in case no such Appeal shall be made within the Time aforesaid, the said Order shall be final and conclusive upon all Persons whomsoever.

Application  
of Tolls and  
other Monies.

XIV. And be it further enacted, That all the Monies already received by virtue of the said recited Acts, and which shall arise and be produced by or from the Tolls by this Act granted, together with the Monies which shall hereafter be borrowed upon the Credit thereof, shall be applied in the first place in the Payment of all the Expences and Costs relative to the procuring and passing of this Act; secondly, in paying and discharging all the Interest which shall be at the Commencement of this Act owing to any Mortgagee or Mortgagees of the Tolls 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 shall have been already made and granted of the Tolls or Duties heretofore payable, and of any Mortgages or Securities which shall after the Commencement of this Act be made and granted of the Tolls hereby made payable; fourthly, in defraying the Expences of building or erecting any additional or new Toll House and Toll Gate, Toll Houses and Toll Gates, and suitable Outbuildings and other Conveniences, authorized to be built and erected by the Side of or upon and across the said Roads; fifthly, in defraying the Expences of diverting, altering, raising, widening, improving, repairing, and preserving the said Roads, and of erecting and providing, altering and repairing, such 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 already been borrowed and secured or may after the Commencement of this Act be borrowed and secured upon the Tolls 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 or by virtue of this Act.

Public Act.

XV. 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.

Commence-  
ment and  
Continuance  
of Act.

XVI. And be it further enacted, That this Act shall commence upon the Second *Thursday* 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.

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