



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xxvii.

An Act for repairing the Road from the *Hoodgate*, at the West End of the Town of *Middleton* in *Teesdale* in the County of *Durham*, to the Gate in the new Inclosures called the *Edge*, near the Collieries called the *West Pitts*, in the Parish of *Saint Andrews, Auckland*, and also a Branch from the said Road, at or near the Head of the Town of *Egleston*, to *Egleston Bridge* over the River *Tees*.
[13th April 1829.]

WHEREAS an Act was passed in the Thirty-second Year of 32 G. 3.
the Reign of His late Majesty King George the Third, c. 127.
intituled *An Act for amending, widening, and keeping in
repair the Road leading from the Hoodgate, at the West End of the
Town of Middleton in Teesdale in the County of Durham, to the Gate
in the New Inclosures called the Edge, near the Collieries called the
West Pitts, in the Parish of Saint Helen, Auckland, in the same
County, and also a Branch from the said Road, at or near the Head of
the Town of Egleston, to Egleston Bridge over the River Tees:*
And whereas another Act was passed in the Forty-eighth Year 48 G. 3. c. 1.
of the Reign of His said late Majesty, intituled *An Act to continue
and amend an Act passed in the Thirty-second Year of His present
[Local.]* Majesty,

Recited
Acts re-
pealed.

This Act to
be put in
force for
repairing the
Roads.

Trustees.

Majesty, for repairing the Road from the Town of Middleton in Teesdale to the Gate in the new Inclosures called the Edge, in the Parish of Saint Andrews, Auckland, and also a Branch therefrom to Egleston Bridge, in the County of Durham: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into execution, and have borrowed several considerable Sums of Money on the Credit of the Tolls thereby granted; which cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless the Terms of the said Acts are further continued, and the Powers thereof altered and amended: 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 the said recited Acts of the Thirty-second and Forty-eighth Years of the Reign of His said late Majesty King George the Third shall be and the same are hereby repealed.

II. And be it further enacted, That this Act shall from and after the First Day of *May* One thousand eight hundred and twenty-nine commence and take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, improving, and keeping in repair the Road leading from the *Hoodgate*, at the West End of the Town of *Middleton* in *Teesdale* in the County of *Durham*, to the Gate in the new Inclosures called the *Edge*, near the Collieries called *West Pitts*, in the Parish of *Saint Andrews, Auckland*, in the same County, and a Road from the said Road, at or near the Head of the Town of *Egleston*, to *Egleston Bridge* over the River *Tees*.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Durham*, together with *Leonard Addison, John Bowes Bowes, John Bourne, William Barnes, William Barrass Sheldon Cradock*, the Right Honourable *William Harry Vane* commonly called *Earl Darlington*, *Robert Moses Dinsdale, Thomas Dent, Christopher Dent, John Dent, John Davidson Clerk, John Fogg Elliott, Joseph Glover*, the Honourable *Sir John Hullock, George Peter Hutchinson, Frederick Sydney Hutchinson, Thomas Emmerson Headlam, Thomas Harrison, Thomas William Hill, Thomas Helmer, Robert Hugginson, Ralph March*, the Honourable *William Vane* commonly called *Lord William Powlett, William Luke Prattman, William Luke Prattman the younger, William Pigg, George Price Clerk, Joshua Raine, Robert Stagg, Mark Sherlock, John Stagg, Thomas Scarth, Thomas Freshfield Scarth, George Silbertop, Anthony Todd, John Thornhill Clerk, Richard Thompson Clerk*, the Honourable *Harry Vane* commonly called *Lord Harry Vane, Henry Witham, Henry Witham the younger, Thomas Whilder*, and their Successors, being duly qualified according to the Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed or to be appointed by this Act, or by virtue thereof, from Time to Time, at any Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, as is directed by an Act of the Third Year of the Reign of His present Majesty for regulating Turnpike Roads in *England*, respecting the Appointment of Trustees on Vacancies, to elect, nominate, and appoint any Number of fit Persons duly qualified as aforesaid (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to those hereby nominated and appointed; and such Trustees to be from Time to Time so elected, nominated, and appointed, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been in and by this Act expressly named and appointed.

Power to
appoint ad-
ditional
Trustees.

V. And be it further enacted, That the said Trustees shall meet at the House of *Robert Hedley*, known by the Sign of the *Three Tuns*, in the Town of *Egleston*, or at some other convenient House in the same Town, on the Second Day of *May* One thousand eight hundred and twenty-nine, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to put this Act into execution.

First Meet-
ing of Trus-
tees.

VI. And be it further enacted, That the respective Tolls following shall and may be demanded and taken on each and every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, at each and every Toll Gate, Turnpike, Side Gate, Side Bar, and Chain, now set up and continued, or which shall hereafter be set up and continued, upon, across, or by the Side of the said Road, or any Part thereof, before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall pass through the same; (that is to say,)

Power to
take Tolls.

For every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Barouche, Vis-a-Vis, Chaise Marine, Calash, Chair, Car, Gig, Whiskey, Hearse, or other such like Carriage, if drawn by Two or more Horses, the Sum of Four-pence, and if drawn by One, the Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Wain, Waggon, Cart, Dray, Drag, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of Two-pence Halfpenny:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less than Six Inches, at the Bottom or Soles thereof, the Sum of Two-pence:

For

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards at the Bottom or Soles thereof, the Sum of One Penny Halfpenny:

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

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

And for every Score of Calves, Swine, Sheep, or Lambs, the Sum of Three-pence; and so in proportion for a greater or less Number:

Which said respective Sums of Money shall be demanded and taken before any Horse, Beast, or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike.

Tolls to be taken but once for passing and repassing.

VII. And be it further enacted, That in case Toll shall have been paid for the passing of any Horse, Beast, or Cattle through any of the Toll Gates, Turnpikes, Side Gates, Side Bars, or Chains, now erected or which may be erected upon, across, or on the Side of the said Road, no Toll shall be demanded or taken for or in respect of such Horse, Beast, or Cattle returning, passing, or repassing through the same Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, before Twelve of the Clock at Night of the same Day, but on a Note or Ticket being produced denoting the Payment of such Toll, such Horse, Beast, or Cattle shall (except in the Cases hereinafter mentioned) be permitted to pass Toll-free through such Toll Gate, Turnpike, Side Gate, Side Bar, or Chain, and also through every such other Toll Gate, Turnpike, Side Gate, Side Bar, or Chain (if any) as such Ticket shall free, at any Time during the same Day before the said Hour; which Note or Ticket (naming and specifying the Gate or respective Gates freed by such Payment) the several Collectors of the said Tolls are hereby respectively required to give *gratis*, on Receipt of the Toll.

Stage Coaches to pay each Time of passing.

VIII. And be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Chaise, Van, Caravan, Cart, Chair, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing along the said Road.

Post Chaises on every fresh Hiring.

IX. 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 and repassing along the said Road, as often as a fresh Hiring thereof shall take place.

Number of Tolls on the whole Line of Road.

X. And be it further enacted, That it shall not be lawful for the said Trustees to take or demand more than Three Tolls for or in respect of any Horse, Beast, or Cattle passing and repassing on the same Day along the whole Length or Line of the said Road.

XI. And

XI. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts of the Thirty-second and Forty-eighth Years of the Reign of His said late Majesty, and remaining undisposed of, and also all the Monies which shall from and after the said First Day of *May* arise and be produced by and from the Tolls granted and made payable by this Act, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, 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 the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto respectively; secondly, in paying the Interest of all such Principal Sums of Money which shall have been borrowed or which may be hereafter borrowed and secured in pursuance of and for the Purposes of the said recited Acts of the Thirty-second and Forty-eighth Years of the Reign of His said late Majesty or of this Act; thirdly, in defraying the Expences of improving, repairing, and maintaining the Roads by virtue of this Act to be improved, maintained, and kept in repair, and of erecting, altering, and repairing Turnpike Toll Gates, Side Gates, and Toll Houses, with suitable Outbuildings and Erections, upon, across, and by the Side of the same Roads, and otherwise in executing the other Purposes of this Act; and, lastly, in discharging the several Principal Sums of Money which shall have been borrowed or which may be hereafter borrowed and secured by virtue of the said recited Acts of the Thirty-second and Forty-eighth Years of the Reign of His said late Majesty or of this Act.

Application
of Tolls and
Money bor-
rowed.

XII. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts of the Thirty-second and Forty-eighth Years of the Reign of His said late Majesty or either of them, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his, her, or their Assignee or Assignees, in respect of the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money; but that as well all Persons to whom any such Mortgage, Assignment, or other Security shall hereafter be made or given, and his, her, or their Assignee or Assignees, as also all and every Person or Persons to whom any such Mortgage, Assignment, or other Security hath heretofore been made or given, shall, in proportion to the Sum or Sums therein mentioned, be Creditors under the said recited Acts of the Thirty-second and Forty-eighth Years of the Reign of His said late Majesty and under this Act, and in equal Degree one with another, without any Preference or Priority.

No Priority
of Mort-
gages.

XIII. 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

Public Act.

[*Local.*]

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as such by all Judges, Justices, and others, without being specially pleaded.

Commence-
ment of Act.

XIV. And be it further enacted, That this Act shall commence upon the said First Day of *May*, and shall continue in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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