

Bridge in the said County: And whereas another Act was passed in the Fifty-third Year of the Reign of His said late Majesty, intituled *An Act for continuing and amending Three Acts for repairing the Road from the City of Durham to Tyne Bridge in the County of Durham*: And whereas several considerable Sums of Money have been borrowed, and are now due and owing on the Credit and Security of the Tolls authorized to be collected by virtue of the said recited Acts: And whereas it would be of public Utility if a collateral Branch of Road were made from the present Turnpike Road at or near a Place called *Leyburn Hole* in the Township of *Birtley* in the Parish of *Chester-le-Street*, through the Township of *Lamesley*, to communicate with the same Turnpike Road at or near a Place called *Potticar Lane*, otherwise *Potter Chare*, in the Parish of *Gateshead* in the said County of *Durham*; and another Branch of Road from the said present Turnpike Road, at or near a Place called *Red Robins* in the Township of *Lamesley* aforesaid, to communicate with the first-mentioned Branch at or near *Harlow Green* in the same Township; and also another Branch of Road from the said first-mentioned Branch, at or near *Whinny House*, to pass by and along or near to a certain Lane called *Saltwell Lane*, and from thence, across the South and North Branches of the Turnpike Road from *Gateshead* aforesaid to *Hexham* in the County of *Northumberland*, towards the Lodges at the Entrance of the private Road leading to *Redheugh*, and from thence by or on the North Side of a certain Place called the *Windmill Hills*, and by and along Part of a certain Lane called the *Miller's Lane* or *Half Moon Lane*, all in the Parish of *Gateshead* aforesaid, and to communicate with the present Turnpike Road in the High Street of *Gateshead* aforesaid; and also another Road from the East Side of the said Street opposite the *Half Moon Lane* aforesaid, for about One hundred and thirty-eight Yards in a semicircular Direction, to communicate with the same Street near the South Gate of the Churchyard there; and also if the present Turnpike Road, at and near its Junction with *Tyne Bridge*, was rendered more commodious: And whereas the said collateral Branch and other Branches of Road cannot be effectually made, nor the said Turnpike Road improved and kept in Repair, unless further Tolls, Powers, and Provisions are granted for those Purposes: And whereas the Purposes aforesaid, and the several other Purposes of the said herein-before recited Acts, would be more conveniently effected if such Acts were repealed, and further and more effectual Powers and Provisions granted instead thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act, passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*; 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 passing of this Act, the said several recited Acts passed in the Twentieth and Twenty-sixth Years of the Reign of His Majesty King *George* the Second, and in the Thirteenth and Fifty-third Years of the Reign of His late Majesty King *George*

Recited Acts
20 & 26 G. 2.
and of 13 &
53 G. 3. re-
pealed, and
this Act to
take Effect.

George the Third, shall be and the same are hereby repealed; and from thenceforth this Act, and the Tolls hereby made payable, and the Powers and Provisions herein contained, shall commence and be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, improving, maintaining, and keeping in Repair the present Turnpike Road from the City of *Durham* to *Tyne Bridge* aforesaid, which shall be called "The *Durham* and *Tyne Bridge* old Road;" and of making, maintaining, and keeping in Repair the said Branch of Road from the present Turnpike Road, at or near a Place called *Leyburn Hole* in the Township of *Birtley* in the Parish of *Chester-le-Street* aforesaid, through the Township of *Lamesley* aforesaid, to communicate with the same Turnpike Road at or near a Place called *Potticar Lane*, otherwise *Potter Chare*, in the Parish of *Gateshead* aforesaid, which shall be called "The Collateral Branch;" and of making, maintaining, and keeping in Repair another Branch of Road from the said present Turnpike Road, at or near a Place called *Red Robins* in the Township of *Lamesley*, to communicate with the first-mentioned Branch at or near *Harlow Green* in the same Township, which shall be called "The *Harlow Green* Branch;" and also another Branch of Road, from the said first-mentioned Branch, at or near *Whinny House*, to pass by and along or near to a certain Lane called *Saltwell Lane*, and from thence, across the South and North Branches of the Turnpike Road from *Gateshead* aforesaid to *Hexham* in the County of *Northumberland*, towards the Lodges at the Entrance of the private Road leading to *Redbeugh*; and from thence by or on the North Side of a certain Place called the *Windmill Hills*, and by and along Part of a certain Lane called the *Miller's Lane* or *Half Moon Lane*, all in the Parish of *Gateshead* aforesaid, and to communicate with the present Turnpike Road in the High Street of the Town of *Gateshead* aforesaid, which shall be called "The *Whinny House* and *Half Moon Lane* Branch;" and also another Branch or Piece of Road of the Length of One hundred and thirty-eight Yards or thereabouts, from the East Side of the said High Street opposite the *Half Moon Lane*, and from thence in a semicircular Direction to communicate with the same Street near the South Gate of the Churchyard there, which shall be called "The *Gateshead* Branch;" and also for the Purpose of improving and rendering the said present Turnpike Road at and near its Junction with *Tyne Bridge* more commodious; and all the said Roads shall be called "The *Durham* and *Tyne Bridge* Turnpike Road and Branches."

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls authorized to be taken by the said several recited Acts hereby repealed, or any of them, and of all Interest due or to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be taken.

Act made
liable to
Payment of
Debts, &c.

III. And be it further enacted, That all Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons, to or with the Trustees for executing the said former Acts hereby repealed, shall remain in full Force and Effect, and shall be and continue available in

Bonds, Con-
tracts, &c.
under former
Acts to be
available.

in all Courts of Law and Equity, until the same are fully satisfied and performed on account of and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, made and entered into by the said Trustees for executing the said former Acts, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Stipulations thereof respectively.

Books under former Acts made Evidence.

IV. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees in the Execution of the said Four first recited Acts hereby repealed, or containing any Orders or Agreements made or entered into by them, such Books being kept and signed in Manner directed by such Acts, or by the said recited Acts passed in the Third and Fourth Years of the Reign of His present Majesty directed, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Powers of recited Acts 3 & 4 G. 4. extended to this Act.

V. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution as if the same had respectively been repeated and re-enacted in the Body of this Act.

Appointment of Trustees.

VI. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Durham*, *Adam Askew*, *Matthew Atkinson*, *John Adamson*, *Richard Craster Askew*, *George Anderson*, Lord Viscount *Barnard*, Sir *Thomas Burdon* Knight, *George Baker*, *Rowland Burdon*, *James Britton* Clerk, *Thomas Bowes*, *William Byers*, *John Barras*, *Charles John Brandling*, *Thomas Wentworth Beaumont*, *William Batson*, *Jasper Browell*, *George Barras*, *Christopher Bramwell*, *Charles William Bigge*, *Thomas Hanway Bigge*, *Robert William Brandling*, *John Theophilus Blakeney*, *Calverley Bewick Bewick*, *William Wharton Burdon*, *William Barras*, *Thomas Baker* Clerk, Sir *Thomas John Clavering* Baronet, *Isaac Cookson*, *Thomas Clennell*, *John Cookson*, *Nathaniel Clayton*, *Thomas Cookson*, *William Coates*, *John Thomas Carrighan*, *Isaac Cookson* the younger, *Christopher Cookson*, *Nathaniel Clayton* the younger, *John Clayton*, *James Graham* Clerk, *John Collinson (Gateshead)* Clerk, *John Collinson (Lamesley)* Clerk, *Morton John Davison*, *Michael Dunn*, *George Donald*, *John Davison* Clerk, Sir *Robert Johnson Eden* Baronet, *Cuthbert Ellison*, *Robert Ellison*, *James Easton*, *Thomas Easton*, *John Ralph Fenwick*, *Christopher Fenwick*, *Percival Fenwick*, *George Fenwick*, *William Falla*, *Thomas Fenwick*, *George Forster*, *John Fawcett* Clerk, the Honourable and Reverend *Edward Grey*, *Thomas Gibson*, *William Greenwell*, *William Thomas Greenwell*, *Thomas Greenwell*, Sir *Robert Shafto Hawks* Knight, Sir

Sir Henry Hardinge, John Hutton Clerk, John Headlam Clerk, Thomas Humble, John Hodgson Clerk, Michael Hall, Thomas Emerson Headlam Doctor of Medicine, Thomas Hopper (Durham), Thomas Hopper (Hendon), Francis Johnson, Edward Jackson, Richard Kirton, the Honourable Henry Thomas Liddell, Sir Charles Loraine Baronet, Ralph John Lambton, John George Lambton, Charles William Lambton, William Henry Lambton, Hedworth Lambton, George Thomas Leaton, Humble Lamb, William Loraine, James Losh, Henry George Liddell Clerk, Henry Forster Mills Clerk, Edward Aubone Major, George Maddison, John M'Leod, Sir Ralph Noel Baronet, William Nesfield Clerk, Thomas Nelson, William Ord, the Honourable William J. F. Powlett, Thomas Patten, William Peters, the Reverend Henry Phillpotts Doctor in Divinity, Richard Pemberton, Robert Pearson, Matthew Plummer, Sir Matthew White Ridley Baronet, Henry Utrick Reay, John Russell, William Russell, the Honourable William Scott, Henry Smith, Robert Shaw, Anthony Surtees, Charles Thorp Clerk, Michael Angelo Taylor, Sir Hedworth Williamson Baronet, Robert Hopper Williamson, Thomas Wilkinson, George Wardell, George Wooler, Robert Hopper Williamson Clerk, Robert Walters, Thomas Wade, John William Williamson, William Lloyd Wharton, and their Successors, being duly qualified according to the Provisions of the said recited Acts, made in the Third and Fourth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for repairing, amending, improving, making, maintaining, and keeping in Repair the said Road and Branches, and otherwise putting this Act in Execution.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized and empowered, at their first or any subsequent Meeting to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the Whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified according to the Provisions or Directions of the said recited Acts, passed in the Third and Fourth Years of the Reign of His said present Majesty, and having taken and subscribed the Oath (or being a Quaker, the Affirmation) in the said last recited Act mentioned, shall be and they are hereby invested with the same Powers and Authorities as if they had been named and appointed Trustees in and by this Act.

Power to
appoint ad-
ditional
Trustees.

VIII. And it further enacted, That the Trustees for executing this Act shall meet at the *Grey Horse Inn*, or at some other convenient House in *Gateshead* aforesaid, on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be.

First Meet-
ing of Trus-
tees.

IX. And be it further enacted, That the Clerk, Receivers, or Collectors of the Tolls arising on the said Road, and Surveyor, who have been appointed under or by virtue of the said former Acts hereby repealed, or any of them, shall respectively continue to hold and exercise such their several and respective Offices and Employments until they shall respectively be removed therefrom by the Trustees for executing this Act.

Old Officers
to continue
until re-
moved, &c.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution

Treasurer
and Clerk
not to be the
same Person.
of

of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, every such Person so offending shall for every such Offence pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Power to
continue the
present and
to erect new
Toll Gates,
&c.

XI. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses, now standing and being in and upon or across the said present Turnpike Road, or on the Sides thereof; and also to erect and set up or build, or cause to be erected, set up, and built, upon, in, or across the said Road and Branches by this Act directed or authorized to be repaired, amended, and made, or any Part thereof respectively, or upon or across the Entrance to any public Road, Lane or Way, leading into the same, or any Part thereof respectively, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Bar or Side Bars, or Gates, Chain or Chains, and also one or more Toll House or Toll Houses, with suitable Outbuildings and Conveniences thereto, at or near each Toll Gate, and to take in and inclose, on the Sides of the said Road and Branches, suitable Garden Spots for such Toll House or Toll Houses, not exceeding One-eighth Part of an Acre each, as they shall think necessary, and from Time to Time to take down and remove, or to alter and discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to
take Tolls.

XII. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed by virtue of this Act Collector or Collectors of the Tolls hereby granted, to demand and take, at all and every the Turnpikes or Toll Gates erected or to be erected upon the said Road and Branches, or any Part thereof respectively, the several Tolls following; (that is to say),

Tolls.

For each and every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Chaise Marine, Car, Calash, Caravan, Curricule,

Curricule, Chair, Gig, Taxed Cart, Hearse, Litter, or other such like Carriage, if drawn by Six or more Horses or other Beasts, the Sum of Fivepence Halfpenny; and if drawn by Five Horses or other Beasts, the Sum of Sixpence; and if drawn by Four or Three Horses or other Beasts, the Sum of Sixpence Halfpenny; and if drawn by Two Horses or other Beasts, or by One Horse or other Beast, the Sum of Sixpence: For each and every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, Sledge, Slide, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth, so flat or level as not to deviate more than One Inch from a flat Surface, and drawn by Two or more Horses or other Beasts, the Sum of Five-pence; and drawn by One Horse or other Beast, the Sum of Two-pence Halfpenny:

For each and every Horse or other Beast, drawing any Waggon, Wain, Cart, Drag, Sledge, Slide, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of the Breadth or Gauge of Six Inches, and rolling such flat or level Surface as aforesaid, and drawn by Three or more Horses or other Beasts, the Sum of Sixpence Halfpenny; and drawn by Two Horses or other Beasts, the Sum of Sixpence; and drawn by One Horse or other Beast, the Sum of Five-pence:

For each and every Horse or Beast drawing any Waggon, Wain, Cart, Dray, Sledge, Slide, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels of less Breadth or Gauge than Six Inches, and drawn by Four or more Horses or other Beasts, the Sum of Ten-pence; and drawn by Three Horses or other Beasts, the Sum of Eight-pence Halfpenny; and drawn by Two Horses or other Beasts, the Sum of Ten-pence; and drawn by One Horse or other Beast, the Sum of Seven-pence:

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

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

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

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

XIII. Provided always, and be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, or Beast through any One of such Toll Gates or Turnpikes, such Horse, Cattle, or Beast shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate or Gates, if any, as the Ticket for such Payment shall free, at any Time or Times during the same Day, to be computed as herein-after mentioned.

Toll to be paid but Once a Day at the same Gate.

XIV. Provided always, and be it further enacted, That no more than Two Tolls shall be demanded and taken on the same Day (to be computed

Number of Tolls to be taken on the same Day

upon the
Road and
Branches re-
spectively.

puted from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night) from any Person or Persons for or in respect of any Horse or Horses, Beasts, Cattle, and Carriages passing on the said old Road and collateral and *Gateshead* Branches; and no more than one Toll for passing on the same Day (to be computed as aforesaid) on the said *Harlow Green* Branch; and no more than one Toll for passing on the same Day (to be computed as aforesaid) on the said *Whinny House* and *Half Moon Lane* Branch.

Stage
Coaches,
Caravans, &c.
to pay every
Time of pas-
sing; Chaises
every fresh
Hiring.

XV. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Stage Coach, Van, Caravan, or Stage Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Roads, and also for and in respect of all Horses or Beasts of Draught let out for Hire, and drawing any Post Chaise or other Carriage, every Time of passing along the said Roads, whenever a new Hiring thereof shall take place.

Power to
make new
Branches.

XVI. And whereas a Map or Plan describing the Lines of the said new Branches of Road, called the Collateral Branch, the *Harlow Green* Branch, and the *Whinny House* and *Half Moon Lane* Branch, and the Lands through which the same respectively are intended to be carried, together with a Book of Reference, containing the Names of the Owners and Occupiers of such Lands, and also another Map or Plan describing the Line of the said Branch or Piece of Road called the *Gateshead* Branch, and the Lands, Tenements, and Hereditaments through which the same is intended to be carried, together with a Book of Reference, containing the Names of the Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been respectively deposited in the Office of the Clerk of the Peace for the said County of *Durham*; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerk of the Peace, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of each of such Copies or Extracts of the said Maps or Plans and Books of Reference.

Plan and
Book of
Reference
of new
Branches
lodged
with Clerk of
the Peace
may be in-
spected, &c.

Land marked
in the Plan
may be used
notwith-
standing Er-
rors in the
Book of Re-
ference.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to make the said new Branches of Road into, through, across, and over the several Lands, Grounds, Tenements, or Hereditaments of any Person or Persons who is or are or may be the Owner or Owners of Land over which the same are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or misstated in the said Books of Reference, in case it shall appear to any Two Justices of the Peace for the said County of *Durham*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Power to
take Houses,
&c. in the
Schedule
without Con-
sent.

XVIII. And whereas for the Purpose of making the said *Gateshead* Branch of Road it will be necessary to purchase, take, and use the several Messuages or Houses, Buildings, Yards, and other Hereditaments speci-
fied

fied or mentioned in the Schedule to this Act, or some Part or Parts of such Messuages, Houses, Buildings, Yards, and other Hereditaments; be it therefore enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, for the Purposes aforesaid, to purchase, take, and use the several Messuages, Houses, Buildings, Yards, and other Hereditaments mentioned in the Schedule to this Act, or any Part or Parts thereof respectively, and to pull down such Messuages, Houses, and Buildings, or such Part or Parts thereof as shall be so purchased, and to lay the Sites thereof, and also the said Yards, or so much and such Part or Parts thereof respectively as shall by the said Trustees be deemed necessary, into the said Road, without obtaining any such Consent or Consents as by the said Two recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, or either of them, is or are made requisite; but full and ample Compensation and Satisfaction shall be made to the several Parties interested therein for the same, and for the Damage they may sustain thereby, as in the said Act of the Third Year of the Reign of His said present Majesty is provided in respect of Lands, Tenements, Hereditaments, and Premises authorized to be purchased by Trustees or Commissioners of Turnpike Roads, for the widening, diverting, altering, and improving the same.

XIX. Provided always, and be it further enacted, That nothing herein nor in the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, shall extend or be construed to extend to enable or authorize the said Trustees to purchase the Burgage or Borough-hold Rights (if any such there be) appurtenant to any of the Messuages, Houses, Buildings, or other Hereditaments and Premises which may be purchased for the Purposes aforesaid; nor shall any such Rights become vested in, or pass or be conveyed to the said Trustees by virtue of this Act, or the said two last-mentioned recited Acts, or any Conveyance or Assurance to be made and executed in pursuance thereof; and in case the whole of any of such Messuages, Houses, Buildings, Hereditaments and Premises to which any such Right is appurtenant, shall be purchased by, and be conveyed to or become vested in the said Trustees, under and by virtue and for the Purposes of this Act, then and in such Case such Right shall remain in or to the Vendors or former Owners of such respective Messuages, Houses, Buildings, Hereditaments, and Premises to which the same was appurtenant, in as full and ample Manner as if this Act, or such Purchase or Conveyance had not been made; and in case a Part or Parts only of any of such Messuages, Houses, Buildings, Hereditaments and Premises, shall be so purchased and conveyed, or become vested as aforesaid, then such Burgage or Borough-hold Right shall remain appurtenant to the Residue of the said respective Messuages, Houses, Buildings, Hereditaments and Premises, and be held and enjoyed by the respective Owners or Proprietors thereof, in as full and ample Manner as they respectively would have held and enjoyed the same, in case no such Purchase of any Part or Parts thereof had been made.

Act not to authorize the Purchase of Borough Rights.

XX. Provided always, and be it further enacted, That the said Trustees in making the said new Branches of Road shall not deviate more than One hundred Yards of Three Feet each from the Lines 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

Branch Roads not to deviate more than 100 Yards from the Lines described on the Plan.

[Local.]

Lands, Grounds, Tenements, or Hereditaments, such Deviation shall be made.

Power to improve the present Road at or near its Junction with Tyne Bridge.

XXI. Provided also, and be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, in order to improve and render more commodious the present Turnpike Road at and near its Junction with *Tyne Bridge*, to raise the Passage Way of the said Bridge from near the Northern Extremity of the Part of the said Bridge belonging to the See of *Durham* Southward, to its Junction with the said present Turnpike Road; and also to raise the same Turnpike Road at and from such Junction Southward, so far and in such Manner as the said Trustees shall deem necessary and proper; but nevertheless so as no Part of the Passage Way of the said Bridge be raised or altered by virtue of this Act without the Consent of the Bishop of *Durham* for the Time being, previously signified by Writing under his Hand, and the Seal of the See of *Durham*, (which he is hereby authorized and empowered to give); and so as the said Passage Way of the said Bridge and Turnpike Road respectively, opposite to the Shops on the East Side thereof, belonging to *Thomas Patten* Esquire, be not raised higher than One Foot Six Inches above the Level of the present Floors of the said Shops respectively; and so as it may not, by reason of the raising of such Way and Road respectively, become necessary, in order to make the Floors of the said Shops on a Level with the Ground or Pavement on the Outside thereof, to reduce the Inside Height of any of the said Shops below, or to less than Nine Feet Nine Inches, without the Consent in Writing of the said *Thomas Patten*, or the Owner or Owners for the Time being of the said Shops; and also that it shall and may be lawful to and for the said Trustees to lower the said present Turnpike Road from near the Top of the *Bottle Bank*, to near the *Nag's Head* Public House, in the Street of *Gateshead* aforesaid; and the said Trustees are hereby authorized and empowered to make Satisfaction or Compensation to the Owners or Proprietors of such Dwelling Houses, Shops, and Buildings on each Side of the said Street of *Gateshead* aforesaid, as such Alterations and Improvements will interfere with, for the Injury or Damage they shall or may respectively sustain by the making of such Alterations and Improvements as aforesaid; such Satisfaction or Compensation, in case the said Trustees, and the Owners and Proprietors of the said Dwelling Houses, Shops, and Buildings cannot agree respecting the same, to be ascertained in like Manner as the Damage, Value, or Recompence for Lands authorized to be purchased by Trustees or Commissioners of Turnpike Roads for the widening, diverting, altering, and improving the same, are by the said recited Act of the Third Year of the Reign of His present Majesty directed to be ascertained in the Events therein mentioned.

Trustees not liable to keep Bridge in Repair.

XXII. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to make the said Trustees subject or liable, or the Tolls hereby made payable, applicable to uphold, maintain, and keep in Repair any Part of the said Bridge, or the Passage Way thereof, after such Passage Way shall have been so raised as aforesaid; but that such Bridge and Passage Way respectively shall, for ever afterwards, be upheld, maintained, and kept in Repair by the Person or Persons, Body or Bodies Politic or Corporate, who would have been liable to uphold, maintain, and repair the same, in case this Act had

not been made; any thing herein contained to the contrary notwithstanding.

XXIII. Provided always, and be it further enacted, That nothing in the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty or this Act contained, shall extend or be construed to extend either to authorize or empower the said Trustees, or any of their Officers or Agents, or any Person or Persons to be employed by them, to pull up, destroy, remove, or take away any Waggon Way or Waggon Ways already laid or placed, or to be laid or placed across any Part of the said Road and Branches respectively, or to obstruct, prevent, or hinder the making, laying, placing, amending, or repairing of any such Waggon Way or Waggon Ways, or to stop or obstruct any Coal Waggon or Coal Waggon, laden or empty, or any Horse or Horses drawing the same, from passing by and along such Waggon Way or Waggon Ways across the said Road and Branches, or to prevent all or any of the Owners or Proprietors of Lands or Grounds adjoining the said Road and Branches respectively, from laying and placing and continuing across the said Road and Branches, or any of them, any new or other Waggon Way or Waggon Ways, and repairing and amending the same from Time to Time as Occasion may require; but that all Waggon Ways already laid and placed across the present Turnpike Road shall and may be used and enjoyed, amended and repaired, and any new or other Waggon Way or Waggon Ways to be laid and placed across the same Road and Branches respectively, shall and may be used and enjoyed, amended and repaired from Time to Time, as Occasion may require, in like Manner as Waggon Ways are accustomed to be made, laid, placed, used, and enjoyed in the Coal Districts of this Part of the Country; but nevertheless so as such Waggon Ways already made, laid, and placed, or to be made, laid, and placed, be respectively used and enjoyed without Obstruction or Hindrance to the free Passage or Annoyance of the Public upon and along the said Road and Branches, and that the Person or Persons making, laying, or placing or amending the same, do and shall repair or make Satisfaction for any Damage or Injury thereby done or occasioned to the said Road and Branches respectively.

Waggon Ways laid or to be laid across the Road and Branches not to be injured,

XXIV. Provided always, and be it further enacted, That where any Waggon Way shall cross any Part of the said Turnpike Road or Branches, the Ledge or Flanch of such Waggon Way, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of such Road.

As to Waggon Ways crossing the Roads.

XXV. Provided always, and be it further enacted, That from and after the said collateral Branch of Road hereby authorized to be made shall be completed and opened for the Passage of the Public, so much and such Part of a certain public Bridle Road called the *Back Lane*, situate in the Parish of *Gateshead* aforesaid, as lies between a certain other Lane or Way called *Sheepcote Lane*, and certain Lands called or known by the Name of *Gateshead Low Fell*, and which Part of the same Bridle Road will then be rendered unnecessary, shall be discontinued, and the Right of the Public to use the same shall thenceforth cease, and the said Part of the said Bridle Road may be stopped up by the Owner of the Soil over which the same passes, and all Persons may be prevented or hindered from passing

Bridle Road along Part of the Back Lane to cease, and may be stopped up by Owner of Soil.

55 G. 3. c. 68. passing along the same, in like Manner as if such Bridle Road and the Right of Passage thereon had never existed or been enjoyed; provided that such Bridle Road or Way shall not be stopped up or discontinued without the Order and Concurrence of Two Justices of the Peace acting in and for the County of *Durham*, not interested in the Repair thereof, which Order shall be subject to appeal to the Quarter Sessions, in like Manner as if the same Order had been made by such Justices; and also subject to the Regulations and Directions contained in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, so far as the same relates to Notices of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

Directing
Application
of Purchase
Money when
amounting to
200*l.* and
upwards.

1 G. 4. c. 35.

XXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees of this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General, and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be purchased for the Purposes of this Act stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or
Three*

Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were then actually made.

XXVII. Provided always, and be it further enacted, That where any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Person or Persons making such Option, and approved of by the Trustees of this Act, (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends to arise thereon, may be applied in Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

Application of Purchase Money when less than 200*l.* and exceeding 20*l.*

XXVIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy, Idiocy, or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application of Money not exceeding 20*l.*

XXIX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the

In case of questionable Title to the Money, Persons in Possession of the Lands to be deemed entitled.

Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown, to the Satisfaction of the said Court, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Expences of Purchases to be allowed by the Court of Exchequer.

XXX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court, and the said Court is hereby empowered, to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Application of Monies.

XXXI. And be it further enacted, That all the Monies which have arisen and been produced by the said recited Acts hereby repealed, and are now remaining in the Hands of the said Trustees or their Treasurer, and all Monies which may arise and be produced from the Tolls by this Act granted, and all other Monies which shall arise and be produced by virtue of this Act, and not herein otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and applied to and for the several Uses, Intents, and Purposes following; (that is to say), first in Payment of the Costs, Charges, and Expences of preparing and passing this Act; and in the second Place, in Payment of the Salaries and Wages of all Officers and other Persons employed by the Trustees in the Execution of this Act; the Interest accruing upon the several Principal Sums of Money which now are or shall from Time to Time be due and owing on the several Mortgages and Securities of the Tolls granted by the said recited Acts hereby repealed, or this Act; the Expences of repairing, widening, altering, improving, and rendering commodious the said present Road, and making and keeping in Repair the said Branches, and of executing the several other Powers and Purposes of this Act; and in reducing, paying off, and discharging the several Principal Sums last aforesaid.

Public Act.

XXXII. 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.

XXXIII. And be it further enacted, That this Act shall commence Term of Act.
upon the passing thereof, and shall continue and be in force for the Term
of Twenty-one Years, and from thence to the End of the then next
Session of Parliament.

The SCHEDULE to which the Act refers.

Parish.	Owners.	Occupiers.	Description of Property.
Gateshead	Thomas Easton -	Henry Harrison -	Workshop and Warehouses, or other Buildings.
	John Dobson -	John Dobson - Elizabeth Dobson - George Johnson Young - Henry Harrison -	Two Dwelling Houses, a Stable, several Warehouses, or other Buildings and Yard, with their Appurtenances.
	Ralph Wake -	James Carson - Thomas Bruce -	Two Dwelling Houses and Yard.
	Robert Taylor -	Robert Robinson -	Stables, or other Buildings and Yard.
	John Barras - Elizabeth Smart -	William Förster -	Stables, and other Buildings and Yard.
	Michael Greene - Joshua Greene -	Joshua Greene - John Greene -	Stable and Candle House, or other Buildings and Yard.
	William Newton -	William Newton -	Small Building and Yard.
	William Barras -	Edmund Robson - Joseph Fairs - John Craig - George Bell -	Warehouses, Stable, Candle House, and other Buildings and Yard.
	Ralph Wake -	John Barras - John Russell - John Hindmarsh -	A Dwelling House and other Buildings, with the Appurtenances.
	George Humble, and the other Representatives of Philip Wilkinson, deceased -	John Leighton - George Stobart, the elder - George Stobart, the younger -	Workshops, Stable, and other Buildings and Yard, with their Appurtenances.