



ANNO NONO

GEORGII IV. REGIS.

Cap. lxxii.

An Act for more effectually repairing so much of
the Road from the Town of *Newcastle-upon-Tyne*
to the City of *Carlisle* as is within the County of
Northumberland. [23d May 1828.]

WHEREAS an Act was passed in the Twenty-sixth Year of
the Reign of His late Majesty King *George the Third*,
intituled *An Act for more effectually repairing and keeping* 26G.3.c.160.
in repair so much of the Road from the Town of Newcastle-upon-Tyne
to the City of Carlisle as is within the County of Northumberland: And
whereas another Act was passed in the Forty-seventh Year of the
Reign of His said late Majesty, intituled *An Act for continuing the* 47 G.3. c.96.
Term, and altering and enlarging the Powers of an Act of the Twenty-
sixth Year of His present Majesty, for repairing so much of the Road
from the Town of Newcastle-upon-Tyne to the City of Carlisle as is
within the County of Northumberland: 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 Turn- 3 G.4. c.126.
pike Roads in that Part of Great Britain called England: And whereas
another Act was passed in the Fourth Year of the Reign of His
present Majesty, intituled *An Act to explain and amend an Act passed* 4 G.4. c.95.
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: And whereas another Act was passed
in the Fifth Year of the Reign of His present Majesty, intituled *An* 5 G.4. c.69.
Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to
act as Trustees for repairing and maintaining Turnpike Roads: And
[Local.] 17 U whereas

7 & 8 G. 4.
c. 24.

whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*: And whereas a considerable Sum of Money has been borrowed and is now due and owing on the Credit of the Tolls authorized to be taken by the said Two first-recited Acts, and the said Road is now out of Repair, and cannot be sufficiently widened, altered, diverted, improved, and kept in repair, nor can the Money so borrowed, with the Interest thereon, be discharged, unless further Tolls, Powers, and Provisions be granted and made for those Purposes; and it would be more convenient if the said first-recited Acts were repealed, and further and more effectual Provisions made instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 *Friday* next after the passing of this Act, the said recited Acts made in the Twenty-sixth and Forty-seventh Years of the Reign of His said late Majesty King *George* the Third, shall be and the same are hereby respectively repealed.

Recited Acts
of 26 & 47
G. 3. re-
pealed.

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

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 repairing, improving, and keeping in repair so much of the Road leading from the Town of *Newcastle-upon-Tyne* to the City of *Carlisle* as is within the County of *Northumberland*.

Powers of
the General
Turnpike
Acts exten-
ded to this
Act.

III. 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 varied, altered, or repealed,) 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 contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Act passed in the Fifth Year of the Reign of His present Majesty, and also the said recited Act passed in the Seventh and Eighth Years 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 varied, altered, or repealed,) shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated or re-enacted in the Body of this Act.

Debts con-
tracted under
the former
Acts secured
by this Act.

IV. And be it further enacted, That this Act, and the Term and Tolls hereby granted and made payable, shall be and they are hereby declared to be subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls

Tolls authorized to be taken by the said recited Acts hereby repealed, and of all Interest due and 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 the Tolls hereby authorized to be collected.

V. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons with or to the Trustees for executing the said recited Acts hereby repealed, according to the Provisions or Directions thereof respectively, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees of the said recited Acts hereby repealed to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof, notwithstanding the Repeal of the said Acts.

Bonds, Contracts, and Securities entered into under the former Acts to continue in force.

VI. And be it further enacted, That all and every the Books and Book of Proceedings which have been kept by the Trustees acting in the Execution of the said recited Acts hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Books kept under former Acts to be Evidence.

VII. And be it further enacted, That the said Trustees may receive in and cancel all or any of the Mortgages now standing out, and instead and in lieu thereof respectively give and execute another Mortgage or other Mortgages, at the Expence of the Parties requiring the same, upon the Tolls by this Act authorized to be collected.

Old Mortgages may be called in, and others granted.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Northumberland*, together with *John Murray Aynsley, Joseph Bell Aynsley, Robert Lancelot Allgood, George Anderson, George Adam Askew, Thomas Allason Clerk, Adam Atkinson, Adam Atkinson the younger, James Allgood Clerk, Richard Craster Askew, Sir Edward Blackett Baronet, Sir Francis Blake Baronet, George Baker, Ralph Bates, Matthew Bell, Ralph Henry Brandling Clerk, Charles Brandling, Robert William Brandling, John Brandling, Charles William Bigge, Charles John Bigge, Calverly Bewicke Bewicke, Christopher Blackett, Christopher Blackett the younger, William Burrell, Rowland Burdon, George Bainbridge, Robert Bell, John Moore Bates, Thomas Richard Beaumont, Thomas Wentworth Beaumont, Charles Bacon, Thomas Bates, James Birkett Clerk, George Thomas Leaton Blenkinsopp, William Smith Batson, Thomas Richard Batson, Henry Bell, Thomas Barnes, William Burdon, Joseph Bainbridge, Charles Bragge, William Beaumont, the Reverend Isham Baggs, John Bell, Charles Bell, Sir Thomas John Clavering Baronet, John Carr, Thomas Clennell, John Collingwood, William Clark, Henry John William Collingwood, Frederick*

Trustees appointed.

Frederick John Woodley Collingwood, John Blenkinsopp Coulson, Shafto Craster, Edward Charlton, Isaac Cookson the younger, James Graham Clarke, John Clutterbuck, Nathaniel Clayton, Nathaniel Clayton the younger, John Clayton, Joseph Cook Clerk, Charles John Clavering, Mark William Carr, William Cuthbert, William John Charlton, Christopher Cookson, Edward Collingwood, Ralph Carr, William Brown Clerk, John Blenkinsopp Coulson the younger, Henry Cramlington, Thomas Carr, Thomas John Clennell, Thomas Crawhall, Anthony Clapham, John Chambers, John Davidson, William Dent, Dixon Dixon, Armorer Donkin, George Dunn, George Thomas Dunn, Cuthbert Dunn, Thomas Davison of Whalton, William Douglas, John Dickinson junior, Thomas Doubleday, the Reverend John Davis, Cuthbert Ellison, Frederick Elkins Clerk, Peregrine George Ellison, the Reverend David Evans, the Reverend William Elliot, Richard Embleton, John Farwett Clerk, James Fenwick, Christopher Fenwick, Percival Fenwick, Thomas William Fenwick, John Forster, George Forster, James Forster of Riplington, Nicholas Fenwick, Joseph Francis Forster, George Gibson, Jasper Gibson, Robert Gothard, James Gray, George Goston, Sir Carnaby Haggerstone Baronet, John Hodgson, Thomas Haggerstone, Thomas Haggerstone the younger, John Hunsworth, Robert Hedley, Henry Hind, John Hemsley, William Harbottle, Robert Cresswell Jobling, Sanderson Ilderton, Robert Ilderton, Thomas Kerr, the Honourable Henry Thomas Liddell, the Honourable Thomas Liddell, Sir Charles Loraine Baronet, William Loraine, John Lambton Loraine, William Linshill, Humble Lamb, Joseph Lamb, Richard Lambert, Nicholas Leadbitter, James Losh, William Laws, Edward Hawke Locker, the Reverend James Laing, Sir Charles Miles Lambert Monck Baronet, Charles Atticus Monck, Bertram Mitford, Thomas Meggison, John Middleton Meggison, Simon Mewburn, Simon Mewburn the younger, Septimus Meggison Clerk, Robert Maning, James Morrison, Lewis Nanney, Ralph Naters, William Ord, William Ord the younger, William Orde of Nunnykirk, William Ogle, Wallis Ogle, John Saville Ogle Clerk, Robert Pearson, Robert Pearson the younger, William Peareth, Thomas Purvis, Robert Anthony Purvis, John Plummer, William Peters, William Pawson, Samuel Walker Parker, William Potter, Archibald Gilchrist Potter, Jonathan Priestman, Sir Matthew White Ridley Baronet, John Ridley, Ralph Riddell, Ralph Riddell of Cheeseburn Grange, John Reed, Christopher Reed, Archibald Reed, Henry Richmond, Nicholas Ruddock, John Ruddock, John Ridley of Parkend, John Richardson, Riddell Robson, Jonathan Richardson, William Robson, William Sherraton, Sir John Trevelyan Baronet, John Trevelyan, Hugh Taylor, Sir John Edward Swinburne Baronet, Sir David William Smith Baronet, Edward Swinburne, Henry Collingwood Selby, George Silvertop, Walter Selby, Anthony Surtees, Peter Shield, Richard Sanderson, George Shum Storey, Robert Ingram Shafto, George Shadforth, William Lynn Smart, Thomas Singleton Clerk, Thomas Stapleton, Raleigh Trevelyan, Robert Thorp, Charles Thorp Clerk, Francis Thompson Clerk, Henry Tulip, Sir Hedworth Williamson Baronet, William Watson, Robert Hopper Williamson, Robert Hopper Williamson Clerk, John Williamson, George Watson Clerk, John Waldie, Anthony Wilkinson, John Wood, Thomas Wailes, George Wailes, Jonathan Forster Wailes, Leonard Wilson, George Weatherby, Richard Wardle, and John Walker, and their Successors, being

being duly qualified according to the Provisions and Directions of the said recited Acts passed in the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for carrying the same recited Acts and this Act into Execution.

IX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given in the Manner directed by the said recited Act of the Third Year of the Reign of His present Majesty, with respect to Meetings for the Appointment of Trustees on Vacancies,) to elect and appoint any Number of Persons, not exceeding Three in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Persons, so elected and appointed, and being duly qualified, shall be Trustees for the Purposes of this Act, and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named and appointed Trustees in and by this Act.

Power to
appoint addi-
tional Trus-
tees.

X. And be it further enacted, That the said Trustees shall meet at the *New Moot Hall* in the County of *Northumberland* aforesaid, or at some other convenient Place in the said County, on the Second *Saturday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Morning and Two 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 upon or near to some Part of the said Road, as they shall think proper.

Meetings of
Trustees.

XI. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Acts hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been appointed under or by virtue of this Act.

Former
Officers
to continue
until new
ones elected.

XII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to continue or remove all or any of the Toll Gates, Toll Houses, Turnpikes, Bars, or Chains now standing in, upon, or across the said Road, or on the Sides thereof, and also from Time to Time to erect and set up, or cause to be erected and set up, in, upon, or across the said Road, or any Part thereof, or on the Sides thereof, when, where, and as the said Trustees shall judge necessary or expedient, (except as next

Power to
continue an
erect Toll
Gates, Toll
Houses, &c.

[*Local.*]

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herein

herein provided,) any Toll Gate or Toll Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, or any Weighing Machine or Weighing Machines, and also to erect or provide a Toll House or Toll Houses, with suitable Outbuildings, Lamps, and Conveniences thereto, and to take in and inclose from the Sides of the said Road convenient Garden Plats to the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each Toll House, and from Time to Time afterwards to remove, alter, or discontinue such Turnpikes, Toll Gates, Bars, Chains, or Toll Houses, or any of them, as they the said Trustees shall think proper and expedient.

Power to
take Tolls.

XIII. And be it further enacted, That upon and from and after the Second Saturday next after the passing of this Act, the respective Tolls following shall (subject nevertheless to any Order which shall be made respecting the same at the First Meeting of the said Trustees, and subject thereafter to the Provisions and Exemptions in this Act and in the said recited Acts of the Third and Fourth Years of His present Majesty contained,) be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate, Bar or Chain, to be continued or erected upon, across, or on the Side or Sides of the said Road, by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Beast, Cattle, Coach, Cart, or other Carriage shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate, Bar or Chain; (that is to say,)

Tolls.

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

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

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

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

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Twelve Inches, and rolling a Surface of that Breadth so flat or level as not to deviate more than One Inch from a flat Surface, the Sum of Two-pence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches and less than Twelve Inches, and rolling such Surface as aforesaid, the Sum of Three-pence :

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches and less than Nine Inches, the Sum of Five-pence :

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of

the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, the Sum of Sixpence; and for every Ass drawing any such Carriage, the Sum of Four-pence:

Which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after directed.

XIV. 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, Beast, or Carriage through any One of the Turnpikes or Toll Gates, Bars or Chains to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage 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, except as herein-after provided.

Tolls to be paid but Once for passing and repassing on the same Day.

XV. Provided always, and be it further enacted, That no more than Four full Tolls shall be demanded or taken for or in respect of the Passage of the same Horses, Beasts, Cattle, or Carriages, on the same Day, through all the several Turnpikes or Toll Gates, Bars or Chains to be continued or erected on the whole Line of the said Road.

Only Four full Tolls to be taken on the whole Line.

XVI. 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, or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along 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 along the said Road, whenever a new Hiring thereof shall have taken place.

Stage Coaches, &c. to pay every Time of passing;

Post Chaises on every new Hiring.

XVII. And be it further enacted, That all the Monies which shall arise and be produced by or from the Tolls by this Act granted or made payable, together with the Monies which shall hereafter be borrowed upon the Credit thereof, or arise and be produced by virtue thereof or of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and not otherwise directed to be appropriated, 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 relative thereto; 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 or Duties heretofore payable under the said recited Acts hereby repealed; thirdly, in paying and discharging all Interest which

Application of Tolls and Money borrowed.

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 or Duties hereby made payable on the said Road; 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 herein-before authorized to be built and erected by the Side of or upon and across the said Road; fifthly, in defraying the Expences of diverting, altering, raising, widening, improving, repairing, and preserving the said Road, 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 and by virtue of this Act.

Penalty for
hanging out
Clothes
within 30
Feet of the
Road.

XVIII. And be it further enacted, That if any Person or Persons shall hang out any Linen or other Clothes on any Bank, Rail, or Fence adjoining the said Road, or on any Line within the Distance of Thirty Feet of the said Road, every Person so offending shall pay a Sum not exceeding Forty Shillings for every such Offence; and such Penalty shall be levied and recovered (together with necessary Costs and Charges for levying the same) by the same Ways and Means and in like Manner as any Penalty or Forfeiture for any Nuisance committed in or upon any Turnpike Road may by Law be levied or recovered; and one Moiety of such Penalty shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and applied and disposed of for the Purposes of this Act.

Public Act.

XIX. 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.

Term of Act.

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

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