



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. lxxiv.

An Act for the more effectually repairing and otherwise improving the Road from *Sunderland* near the Sea in the County of *Durham* to the City of *Durham*. [23d August 1831.]

WHEREAS an Act was passed in the Twentieth Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing the Road from Sunderland near the Sea to the City of Durham in the County of Durham*: And whereas an Act was passed in the Eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for enlarging and continuing the Term and Powers granted by an Act passed in the Twentieth Year of the Reign of His late Majesty, for repairing the Road from Sunderland near the Sea to the City of Durham in the County of Durham*: And whereas an Act was passed in the Twenty-ninth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to enlarge the Term and Powers of Two Acts made in the Twentieth Year of the Reign of His late Majesty King George the Second, and the Eighth Year of His present Majesty, for repairing the Road from Sunderland near the Sea to the City of Durham in the County of Durham*: And whereas an Act was passed in the Fifty-first Year of the Reign of His said late Majesty King George the Third, intituled *An Act to continue the Term and enlarge the Powers of Three Acts of the Twentieth Year of His late Majesty, and the Eighth and Twenty-ninth Years of His present Majesty, for repairing the Road from Sunderland near the Sea to the City of Durham*: And whereas the Trustees acting

20 G. 2. c. 13.
8 G. 3. c. 42.
29 G. 3. c. 80.
51 G. 3. c. 3.

[Local.] 15 F under

Buildings in Sunderland aforesaid, or at some other convenient Place or House, on the Eighth Day of *September* next after the passing of this Act, or as soon afterwards as conveniently may be, and the said Trustees shall then and there proceed to carry this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

No Money to be laid out in the Repair of Streets.

V. And be it further enacted, That it shall not be lawful for the said Trustees to lay out or expend any Money received by or vested in them by virtue of the said recited Acts or any of them, or of this Act, in the Repair or Improvement of any of the Streets of the Town of *Bishopwearmouth*, or the Township of *Saint Giles* near the City of *Durham*, through or into which the said Road passes, or to collect any Toll in such Streets.

Power to take Tolls.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person being a Lessee or Farmer or appointed or continued to be appointed Collector of the Tolls to be taken by virtue of this Act, to demand and take at each and every of the Toll Gates now erected or hereafter to be erected by virtue of this Act, (unless the said Trustees shall otherwise order and direct,) the several Tolls following; (that is to say,)

For each and every Horse, Mule, Ox, or other Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, or other such Carriage, the Sum of Four-pence Halfpenny:

For each and every Horse, Mule, Ox, or other Beast drawing any Waggon, Wain, Cart, or Carriage, having Wheels of the Breadth of Six Inches and upwards, the Sum of Three-pence:

And having Wheels of the Breadth of Four and a Half Inches and under Six Inches, the Sum of Four-pence:

And having Wheels of the Breadth of Three Inches and under Four and a Half Inches, the Sum of Nine-pence:

And having Wheels of a less Breadth than Three Inches, the Sum of One Shilling:

For every Coach, Waggon, Vehicle, or other Carriage, of whatever Description, propelled or drawn by Steam, Gas, or any other like Means, for each Horse Power, the Sum of Sixpence:

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

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

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

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

VII. And

VII. And be it further enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls by this Act granted or authorized to be collected, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Fractional Part of a Halfpenny in Tolls.

VIII. And whereas Farmers leading Dung or Manure through the Turnpike Gates erected on the said Road may have occasion to carry their Milk in Barrels to Market in their Carriages, which will be of Benefit to the Town of *Sunderland* and the City of *Durham*, and induce the Farmers to improve their Lands; be it therefore further enacted by the Authority aforesaid, That Carriages with not more than One Horse, carrying Milk only, or returning from having so carried such Milk, not laden with any other Article except the Barrels, Tubs, or other Vessels wherein such Milk was conveyed, shall be exempt from the Payment of Toll at any Gates upon the said Road.

Carriages with Milk drawn by One Horse only exempt from Tolls.

IX. 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 or Horses, Cattle, Beasts, Carriage or Carriages, through any of the Toll Gates continued or to be erected by virtue of this Act, the same Horse or Horses, Cattle, Beasts, Carriage or Carriages, shall (upon a Ticket denoting the Payment thereof on that Day being produced) be permitted to pass Toll-free (except as herein-after mentioned) through the same Toll Gate, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, at any Time or Times, and from Time to Time during the Remainder of the same Day (such Day to be computed from Twelve of the Clock in the preceding Night to Twelve of the Clock in the next succeeding Night), any thing herein contained to the contrary thereof in any-wise notwithstanding.

Tolls to be paid but once a Day.

X. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to demand and take, or cause to be demanded and taken, more than Two full Tolls in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for passing and repassing with the same Horse or Horses, or other Beasts or Cattle, or the same Carriage, through all or any of the Turnpikes continued or to be erected by virtue of this Act, the respective Persons having paid Toll producing Tickets denoting such Payment, which Tickets the Collectors of the Tolls are hereby required, upon the Receipt of the Tolls, to give *gratis*.

Two full Tolls only to be taken in One Day.

XI. Provided also, and be it further enacted, That for and in respect of the Horses or other Cattle drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage for the Conveyance of Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike Gate or Bar, the Tolls hereby made payable shall be paid for every Time of passing and repassing through every such Gate or Bar, in like Manner as if no Toll had

Stage Coaches, &c. to pay each Time of passing.

been before paid thereat: Provided nevertheless, that no further or additional Toll shall be payable in respect of Stage Coaches, Stage Waggon, Vans, Caravans, Carts, or other Stage Carriages, on account of the Horses drawing the same having been changed.

Post Chaises
to pay on
every new
Hiring;

XII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle let out to Hire, and drawing any Post Chaise or other Carriage, for every Time of passing along the said Road, whenever any new Hiring thereof shall take place.

Carriages
propelled by
Steam, &c.
to pay every
Time.

XIII. Provided likewise, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, or any other like Means, shall be paid every Time of passing and repassing of such Carriage along the said Road.

Application
of Tolls.

XIV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall remain undisposed of, and also 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 be borrowed upon the Credit thereof, and all other Monies which shall arise by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in Order and Manner following; (that is to say,) in the first place, in Payment of all Costs, Charges, and Expences which shall have been incurred in applying for, preparing, passing, and obtaining this Act, and otherwise relating thereto; secondly, in paying and discharging all the Interest which shall be 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 shall hereafter accrue or become due upon or by virtue of any Mortgages or Securities, which have been already made and granted of the Tolls or Duties heretofore payable, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties which shall hereafter be payable on the said Road; fourthly, in defraying the Expences of building or erecting any additional Toll House and Toll Gate, Toll Houses and Toll Gates, suitable Outbuildings, and other Conveniences, to be built and erected by the Sides of or upon and across the present Road; fifthly, in defraying the Expences of making or diverting, altering, raising, widening, improving, repairing, and preserving the said Road, and erecting and providing, altering, and repairing the 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 been already borrowed or secured upon the Tolls or Duties payable under the said recited Acts hereby repealed, and also the several Principal Sums of Money which may be hereafter borrowed and secured upon the Tolls or Duties 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.

XV. And

XV. And be it further enacted, That from and after the passing of this Act, if the Tire or Tires of any Wheel or Wheels of any Waggon, Cart, or any other such Carriage which shall be used or drawn on the said Road, and which shall be of the Breadth of Four Inches and a Half and under Nine Inches, shall not be so made or constructed as to bear Five Parts in Six of their Breadth on the Road or on any level Surface, the Horses, Cattle, or Beasts drawing every such Waggon, Cart, or other such Carriage, shall be liable to and charged with Toll as drawing a Waggon, Cart, or other such Carriage having Wheels of less Breadth than Six Inches.

Construction of Wheels.

XVI. Provided always, and be it further enacted, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls to be collected, after their First Meeting, unless Notice be for that Purpose fixed, in Writing under the Hand of the Clerk to the said Trustees, upon all and every the Turnpike Gates already erected or to be erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

Notice to be given of borrowing Money.

XVII. And be it further enacted, That if any Person or Persons shall exercise Three Horses at the same Time upon any Part of the said Road, by riding One of them and leading the others abreast, or if any Person shall hang out any Linen or other Clothes within Forty Feet from the Centre of the said Road, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for exercising Three Horses abreast, or hanging Clothes near the Road.

XVIII. 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.

Public Act.

XIX. And be it further enacted, That this Act shall commence and take effect upon the First Day of *September* next after the passing of this Act, and shall thenceforth 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.

Term of Act.

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