ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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authorized to be taken on the said Roads, which Money still remains owing, and cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Act should be repealed, and that other and more effeetual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Recited Act repealed.

I. That upon the First Day of *October* next after the passing of this Act, the said recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Allendale* Turnpike Roads Act, 1853."

Roads to which this Act is applicable.

III. That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading out of the *Alston* Turnpike Road at *Branch End* in the County of *Northumberland*, through *Catton*, *Allendale Town*, and *Allenheads*, to *Cows Hill* in the County of *Durham*, where the same joins the *Lobley Hill* otherwise *Wolsingham* Turnpike Road; also the Branch Road from and out of the said Turnpike Road, at or near the Village of *Catton* aforesaid, to the *Burtryford* Turnpike Road, at or near *Nenthead* Smelt Mills, in the County of *Cumberland*; also another Branch Road from and out of the said last-mentioned Branch Road at or near *Thornley Gate* in the said County of *Northumberland* to the said Turnpike Road at *Allendale Town* aforesaid; also another Branch Road from the said Turnpike Road at or near *Beacon Rigg* in the County of *Northumberland* to another Part of the said *Alston* Turnpike Road at or near *Langley Mill* in the said County of *Northumberland*.

Monies, &c. belonging to Trustees under recited Act to vest in Trustees under this Act.

IV. That all Monies due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to the Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in and belonged to them under the said recited Act, and they shall be liable to all the Debts

and

and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except such of them as are by this Act extinguished.

Appointment of new Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Northumberland*, *Durham*, and *Cumberland*, together with *Robert Lancelot Allgood*, *Lancelot John Hunter Allgood*, *John Adamson*, *John Atkinson*, *William Campbell Arnison*, *Charles Arnison*, Sir *Edward Blackett* Baronet, *Edward William Blackett*, *Edward Blackett Beaumont*, *Wentworth Blackett Beaumont*, *Richard Beaumont*, *Robert Bainbridge*, *William Bell* of *London*, *William Bolam*, *John Moore Bates*, *Thomas Bates*, *Stamp Brooksbank*, *Christopher Bird* Clerk, *William Bell* of *Hexham Abbey*, *Christopher Bird* the younger, Clerk, *William Walton Bell*, *John Blenkinsopp Coulson*, *John Blenkinsopp Coulson* the younger, *Nathaniel Clayton*, *John Clayton*, *William Cuthbert*, *William Cuthbert* the younger, *Willam Henry Charlton*, *Matthew Clayton*, *Isaac Crawhall*, *Thomas Wilson Crawhall*, *William Henry Crawhall*, *Joseph Crawhall*, *Thomas Emerson Crawhall*, *Joseph Crawhall* the younger, *George Crawhall*, *John Clarke*, *John Coates*, *Thomas John Clavering*, *Christopher Colbeck*, *Joseph Dickenson*, *Henry Donkin*, *John Dixon*, *Cuthbert Ellison*, *John Errington*, *Rowland Errington*, *George Elstob*, *Robert Elliott*, *Joseph O. Emmerson*, *Hugh Watson Friend*, *Robert Jackson French*, *Thomas Henry Graham*, *John Grey*, *Jasper Gibson*, *Robert Hodgson*, *John Hodgson Hinde*, *John William Howston*, *Joseph Hudson* Clerk, *Charles Head*, *John Oswald Head*, *Jonathan Harle*, *Robert Harrison*, *John Harrison*, *William James*, *James Kirsopp*, *William Kirsopp*, *Charles Lee* Clerk, *Nicholas Leadbitter*, *George Lee*, *Parkin Lee*, *Michael Lumley*, *Joseph Lee*, *Nicholas Lowes*, *John Lowes*, *William Langhorn*, *Simon Mewburn*, *Nicholas Maughan*, *John Peter Mulcaster*, *James Mulcaster*, *John Nevin*, *William Ord*, *Robert Ormston*, *Christopher Reed*, *George Richmond* Clerk, *John Ridley*, *George Ridley*, *John Matthew Ridley*, *John Ruddock*, *John Robson*, Sir *John Edward Swinburne* Baronet, *Henry Silvertop*, *Thomas Sopwith*, *William Smith*, *Francis Thompson* Clerk, *Nicholas Todd*, *John Turnbull*, *Jacob Wilson*, *Thomas Wilson*, *Joseph Wilson*, *George Wilson*, *Henry Wilson*, *William Walton*, *John Wilson*, *Wylam Walker*, and *Thomas Wilson* of *Newcastle*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VI. That it shall be lawful for the Trustees from Time to Time, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees

so

so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

VII. That the Trustees shall hold their First Meeting at *Allendale Town*, or at some other convenient Place in the Neighbourhood of the said Roads, on the First Day of *October* next, between the Hours of Eleven and Two of the Clock in the Afternoon, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VIII. That the Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting, and the said Committees and the Surveyor may proceed to act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Tolls to continue till Nov. 1, 1853.

IX. That notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Roads until the First Day of *November* next.

On and after Nov. 1, 1853, the Tolls herein named to be taken.

X. That upon and after the said First Day of *November* next, it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Roads, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Landau, Hearse, Chariot, Calash, Chaise, Chair, or other such Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of less than Four Inches and a Half at the Bottom or Sole thereof, the Sum of Sevenpence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Sole thereof, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Fivepence;

For

For every Horse, Mare, Gelding, or Mule, laden or unladen and not drawing, the Sum of Twopence:

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

For every Head of Neat Cattle, the Sum of One Halfpenny:

For every Calf, Pig, Sheep, or Lamb, the Sum of One Farthing:

For every Dog, drawing any Cart or other Carriage whatever, the Sum of One Penny;

For every Carriage, of whatever Kind, propelled or drawn by Steam or Machinery, or any Power other than Animal Power, the Sum of Two Shillings and Sixpence:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

Number of Tolls limited.

XI. That it shall not be lawful for the Trustees to demand or take more than the respective Number of Tolls in the whole herein-after mentioned, for or in respect of the same Horses, Cattle, or Carriages for passing in any One Day along the whole or any Part of the Line or Lines of the said Road and Branch Roads; (that is to say,) from *Branch End* to *Cows Hill*, Four full Tolls; from *Catton* to *Nenthead*, Two full Tolls; and from *Thornley Gate* to *Allendale Town*, One full Toll: Provided always, that no Toll shall be taken between *Stublick Syke* and *Langley Mill*; provided also, that until the Money herein-after mentioned to be due on the Credit of the said Tolls shall have been discharged or satisfied, the Number of Tolls herein-before mentioned shall be taken on the said Lines of Road respectively, unless the Person or Persons entitled to Five Sixths of the Money for the Time being remaining due shall otherwise consent in Writing.

As to the Fraction of a Halfpenny in Tolls.

XII. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Exemption from Toll for Lime.

XIII. That no Toll shall be demanded, taken, or received by virtue of this Act, for any Horse, Beast, or other Cattle, or Carriage used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Lime or other Manure to be used for manuring or improving Lands.

Persons having paid Toll to return Toll-free.

XIV. That all Horses and Cattle (except as hereafter otherwise provided), in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate on the said Roads or on the Sides

Sides thereof shall, upon a Ticket being produced denoting such Payment, be permitted, in returning through the same Toll Gate, and in going and returning through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free at all Times on the same Day, except such Horses or Cattle shall be employed in drawing a different Waggon, Cart, or other Carriage from that which they were employed in drawing when the Payment of Toll was made, in which Case such Horses or Cattle shall be again liable to Toll.

Postchaises, &c. to pay on every fresh Hiring;

XV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Roads on the same Day with a Ticket denoting a fresh Hiring, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Stage Coaches, &c. each Time of passing.

XVI. That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach or other Stage Waggon, Van, Caravan, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward (except Carts conveying Lead or Lead Ore or other Minerals for Payment, Hire, or Reward), the Tolls hereby made payable shall be paid for every Time of passing and repassing through any Toll Gate on the said Roads.

Certain Carts to pay every Third Time of passing.

XVII. That for and in respect of all Horses or other Beasts drawing any Cart, Waggon, or other like Carriage conveying Lead, Lead Ore, or other Minerals, the Tolls hereby made payable shall be paid for every Third Time of passing or repassing on the same Day through any Toll Gate on the said Roads.

Regulation as to Weight of such Carts.

XVIII. That Eighteen Hundredweight of Lead, or Sixteen Hundredweight of Lead Ore, Ironstone, or other Mineral (excepting Coal) shall be the Weights allowed to every Cart, Waggon, or Carriage drawn by One Horse only along the said Roads, and having the Fellies of the Wheels thereof of less Breadth than Three Inches at the Bottom or Soles thereof; and for every additional Hundredweight of such Lead, Lead Ore, Ironstone, or other Mineral, excepting Coal, beyond those Weights respectively carried by any such Cart, Waggon, or Carriage, the additional Tolls for Overweight prescribed by the Public General Acts relating to Turnpike Roads in *England* shall be payable.

Respecting Toll Gates.

XIX. That, subject to the Provisions of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Seventy-seven, with respect to setting up and maintaining Toll Gates, Turnpikes, Bars, or Toll Houses, it shall be lawful

lawful for the Trustees to set up in, upon, or across the said Roads, any Toll Gate, Turnpike, Bar, or Toll House, and to remove the present or any future Toll Gate, Turnpike, Bar, or Toll House, as they shall think proper.

Extinguishing Arrears of Interest.

XX. Whereas the Sums now due upon the Credit of the Tolls arising on the said Roads amount in the whole to the Sum of Twenty-one thousand eight hundred and two Pounds, of which said Sum Fifteen thousand five hundred Pounds is due to the Representatives of *Thomas Wentworth Beaumont* deceased, and the Residue (amounting in the whole to the Sum of Six thousand three hundred and two Pounds) is due to the several other Persons mentioned in the Schedule to this Act, their Executors, Administrators, or Assigns, in the respective Proportions or Sums set opposite to their respective Names in that Schedule, Two hundred Pounds Part thereof being vested in the Minister and Churchwardens of *Allendale Town* for the Time being for certain charitable Purposes: And whereas there is a large Arrear of Interest due on the said Sum of Fifteen thousand five hundred Pounds: Be it enacted, That all Arrears of Interest now due on the said Principal Sum of Fifteen thousand five hundred Pounds shall be and are hereby wholly extinguished, and shall be considered as satisfied and discharged, and no Interest shall henceforth be paid or payable upon the said Principal Sum of Fifteen thousand five hundred Pounds.

Application of Monies.

XXI. That all Monies which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in defraying the necessary Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, Salaries of Officers, and the necessary Expenses of and incidental to the Management of the said Roads, but not exceeding in any One Year the Sum of One hundred and eighty Pounds:

Thirdly, in paying Interest at the Rate of Four Pounds Ten Shillings *per Centum per Annum* upon the Principal Sum of Two hundred Pounds due to the Minister and Churchwardens of *Allendale Town*, on the Credit of the Tolls authorized to be taken on the said Roads:

Fourthly, in paying Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum* upon the Principal Sums, amounting to Six thousand one hundred and two Pounds, mentioned in the said Schedule, and due to the several Persons mentioned in such Schedule (except the Representatives of *Thomas Wentworth Beaumont* and the Minister and Churchwardens

wardens of *Allendale Town*), or such Part of the same Principal Sum as shall for the Time being remain unsatisfied:

Fifthly, in paying the Expenses of maintaining and keeping the said Roads in repair, and in putting this Act into execution with reference thereto, but not exceeding in any One Year the Sum of Eight hundred and fifty Pounds:

Sixthly, in paying off in manner herein-after mentioned the Principal Sums for the Time being remaining due on the Credit of the said Tolls, except the said Principal Sum due to the Representatives of *Thomas Wentworth Beaumont*:

Seventhly, in paying off without Interest the said Principal Sum of Fifteen thousand five hundred Pounds, so due to the Representatives of the said *Thomas Wentworth Beaumont* as aforesaid:

Lastly, in maintaining, repairing, and improving the Roads.

Mortgagees to take possession for Payment of Interest only.

XXII. That whenever and as long as the Interest upon all existing Mortgages, made under the Powers of the said recited Act, shall be duly paid at the Rate herein-before mentioned, within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent shall pay the Interest from Time to Time becoming due at the Rate herein-before mentioned upon all the said existing Mortgages without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid to the said Trustees or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

XXIII. That

As to Mode of discharging Debt.

XXIII. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls, and sixthly herein-before made payable, shall amount to the Sum of Two hundred Pounds the Trustees shall, at any General, Annual, or other Meeting, apply such Sum in the Payment of a proportionate Part of the same Principal Monies to Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, either by Letter under the Hand of the Clerk to the Trustees for the Time being, given to each of the Persons entitled to any Part of the same Principal Monies which may then remain unsatisfied, or left at his usual or last known Place of Abode, or sent by Post, addressed to him thereat, or in some Newspaper published in the County of *Northumberland*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the said Tolls, and sixthly herein-before made payable, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid, shall apply the Surplus (if any) of such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of other Monies owing on the Security of the said Tolls, and sixthly herein-before made payable, to the Creditor who, by such Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be) rateably amongst the Creditors on the said Tolls, entitled to the Principal Sums sixthly herein-before made payable, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No more Money to be borrowed on the Tolls.

XXIV. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Not to exempt Roads from Provisions of future General Acts.

XXV. That nothing herein contained shall be deemed to exempt the said Roads from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

XXVI. That this Act shall commence on the First Day of *October* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Terms.

XXVII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall be understood to include Corporation:

The Expression "the Trustees," or "the said Trustees," shall mean the Trustees for the Time being acting in the Execution of this Act:

The Word "Toll Gates," or "Toll Gate," shall include Turnpikes, Bars, Chains, and Side Gates.

The

The Allendale Turnpike Roads Act, 1853.

The SCHEDULE referred to in this Act.

	Proportion due to each.		
	£	s.	d.
Representatives of Thomas Wentworth Beaumont, deceased -	15,500	0	0
Minister and Churchwardens of Allendale Town - -	200	0	0
Representatives of John Wilson, deceased - - -	750	0	0
Representatives of George Crawhall, deceased - -	950	0	0
Representatives of William Crawhall, deceased - - -	750	0	0
Representatives of George Lee, deceased - - -	450	0	0
Representatives of Martin Morrison, deceased - - -	200	0	0
Representatives of John Mulcaster, deceased - -	300	0	0
William Bolam - - - - - -	220	0	0
Representatives of Henry Wilson, deceased - -	300	0	0
John Nevin - - - - - -	200	0	0
Representatives of Matthew Lee, deceased - - -	200	0	0
William Fairless - - - - - -	200	0	0
Charles Head - - - - -	412	0	0
Jacob Wilson - - - - - - -	300	0	0
Representatives of John Robson, deceased - - -	300	0	0
Thomas Henry Graham - - - - - -	150	0	0
Representatives of N. J. Hollingsworth, deceased - -	150	0	0
Representatives of Robert Elliott, deceased - - -	100	0	0
Representatives of Abraham Dawson, deceased - -	20	0	0
Representatives of William Lee, deceased - - -	150	0	0
£	21,802	0	0

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