ANNO SECUNDO

GULIELMI IV. REGIS.

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Cap. lxi.

An Act for more effectually repairing and improving the Road from *Bishop Wearmouth* to *Norton* in the County of *Durham*. [23d *May* 1832.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for altering, raising, widening, repairing, and* 29 G. 3. c. 81. *preserving the Road leading from the Town of* Bishop Wearmouth, *near* Sunderland *in the County of* Durham, *to the Town of* Norton *near* Stockton *in the said County:* And whereas another Act was passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for continuing and amending an Act of* 51 G. 3. c. 6. *His present Majesty, for repairing the Road from* Bishop Wearmouth *to* Norton *in the County of* Durham: And whereas the Trustees for executing the said recited Acts have in the Execution thereof borrowed considerable Sums of Money upon the Credit of the Tolls thereby authorized to be taken, which Money cannot be repaid, nor can the said Road be effectually amended, improved, and kept in repair, unless further Tolls and Powers be granted for those Purposes: And whereas some Parts of the said Road are narrow and incommodious, and it would be convenient to the Public if the same were widened and altered, and if the following Diversion was made in the Course or Direction of certain Parts of the said Road; (that is to say,) from the High Street of *Bishop Wearmouth*, at or near the North End of *Fawcett Street*, to at or near the Farmhouse occupied by *Richard*

Burn, near *Barleymow Bridge* in the Township of *Bishop Wearmouth*, and if Provisions were made for making and maintaining the said Diversion and Improvements: And whereas it will be convenient that the said recited Acts should be repealed, and that instead thereof such Powers and Provisions as are herein-after contained should be enacted: May it therefore please Your Majesty that it may be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 upon the Second *Monday* next after the passing of this Act the said recited Acts passed in the Thirty-ninth and Fifty-first Years of the Reign of His Majesty King *George* the Third shall be and the same are hereby repealed, and instead thereof this Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, diverting, altering, and from Time to Time improving, maintaining, and keeping in repair the Road leading from the said High Street of *Bishop Wearmouth* at the North End of *Fawcett Street* to the said Town of *Norton*, and also for making, maintaining, and keeping in repair the said Diversion in the Course or Direction of the said Road herein-before described or mentioned.

Recited Acts repealed, and this Act to take effect.

Appointment of Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Durham* together with *Watson Alcock*, *Robert Appleby*, *John Arrowsmith* Clerk, *Edward Backhouse*, *John Beecroft*, *George Blakelock*, *Featonby Burrell*, *Christopher Bramwell*, *Charles John Brandling*, *John Cartwright* Clerk, *George Coates*, *George Coates* the younger, *Henry King Collinson* Clerk, *William Chilton*, *Thomas Scott Dickens*, *Ralph Eden* M.D. *Walker Featherstonhaugh*, *John Fox*, *Thomas Fox*, *John Grace*, *William Grey*, *William Scurfield Grey*, *John Gregson*, *Thomas Robinson Grey* the younger, *John Grimshaw*, *William Hayes* Clerk, *William Hill*, *Isaac Hopper*, *John Hopper*, *Thomas Jefferson Hogg*, *John Hogg*, *Robert Horn*, *Nathaniel Horn*, *William Hilton Longstaff*, *John Lotherington*, *John Stote Lotherington*, *Arthur Mowbray*, *Bernard Ogden*, *John Page*, *John Peacock*, *Richard Pemberton*, *Thomas Pemerton*, *Charles John Plumer* Clerk, *William Rawes* Clerk, *John Scott*, *Thomas Shipperdson* Clerk, *Robert Smart*, *Robert Smart* the younger, *George Skinner*, *John Skinner*, *George Skipsey*, *Henry Stapylton*, *John Stapylton*, *Thomas Walker*, *Richard Walker* the younger, *Thomas Walton*, *Stephen Walton*, and *Rowland Webster*, being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be Trustees for making, amending, widening, altering, turning, diverting, improving, maintaining, and keeping in repair the said Road, with the Diversion and Alteration herein-before described or mentioned, and for otherwise carrying this Act into full Execution.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered, at their First and Second Meetings, or either of them, to be holden by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the

Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees, when so elected and appointed, being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby invested with the same Powers for executing this Act as if they had been named and appointed in and by this Act.

First Meeting of Trustees.

IV. And be it further enacted, That the said Trustees shall hold their First Meeting at the *Castle* Inn in the Parish of *Castle Eden*, or at some other convenient House or Place on or near the said Road, on the Second *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and then and there proceed to put this Act into execution, and shall then and there afterwards adjourn to and meet at such Time or Times and such Place or Places near to the said Road as the Trustees, or the major Part of them present at any such Meetings, shall think proper and appoint.

Power to take Tolls.

V. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls authorized to be taken by virtue of this Act, to demand and take, at each and every Turnpike, Toll Gate, Bar, or Chain which by virtue of this Act shall be continued or erected upon, across, or on the Side of the said Road, on each and every Day, before any Horse, Beast, Cattle, Coach, Cart, or other Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same, the several Tolls following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Landau, Chaise, Phaeton, Curricle, Gig, Caravan, Cart upon Springs, Hearse, Litter, or other such like Carriage, any Sum not exceeding Sixpence:

For every such Carriage on more than Two Wheels, being empty, drawn at the Tail of any Waggon or other Carriage, any Sum not exceeding Sixpence:

For every such Carriage on Two Wheels only, being empty, drawn as aforesaid, any Sum not exceeding Three-pence:

For every Coach, Waggon, Vehicle, or other Carriage of whatever Description, propelled or driven by Steam, Gas, or any other like Means, any Sum not exceeding Four Shillings:

For every Horse or other Beast (other than an Ass) drawing any Waggon, Wain, or Cart, or other such Carriage, having the Fellies of the Wheels of less Breadth than Four Inches and a Half, any Sum not exceeding Sixpence:

For every Horse or other Beast (other than an Ass) drawing any Waggon, Wain, or Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Four Inches and a Half, but less than the Breadth of Six Inches, any Sum not exceeding Five-pence:

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

of the Wheels of the Breadth of Six Inches, but less than the Breadth of Nine Inches, any Sum not exceeding Four-pence:

For every Horse or other Beast (other than an Ass) drawing any Waggon, Wain, or Cart, or other such Carriage, having the Fellies of the Wheels of the Breadth of Nine Inches and upwards, any Sum not exceeding Three-pence:

For every Ass drawing any Waggon, Wain, or Cart or other Carriage, any Sum not exceeding Three-pence:

For every Horse or other Beast (other than a Mule or Ass), laden or unladen, and not drawing, any Sum not exceeding Two-pence:

For every Mule or Ass, laden or unladen, and not drawing, any Sum not exceeding One Penny:

For every Ox, Bull, Gall, Steer, Cow, or Heifer not drawing, any Sum not exceeding Three Farthings:

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

Which said Tolls and Sums of Money shall be demanded and taken before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed shall be permitted to pass through any such Turnpike, Toll Gate, Bar, or Chain; and such respective Tolls shall be and they are hereby vested in the Trustees for the Time being for putting this Act into execution, and shall be applied for the Purpose of this Act in manner herein-after mentioned.

Tolls to be paid but once a Day.

VI. And be it further enacted, That if the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any One of the Turnpikes, Toll Gates, Bars, or Chains to be continued or erected upon, across, or on the Sides of the said Road or any Part thereof, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket being produced denoting the Payment of such Toll for that Day, 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 or Times during the same Day, except as herein-after is provided.

Limiting Number of Tolls.

VII. Provided always, and be it further enacted, That no more than Four full Tolls shall be demanded or taken on the same Day for or in respect of the same Horse or Horses, Beast, Cattle, or Carriage passing and repassing through all the Turnpikes, Toll Gates, Bars, or Chains to be continued or erected upon or on the Sides of the said Road, except as herein-after is provided.

StageCoaches to pay Toll every Time of passing;

VIII. 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, or any Stage Waggon, Car, Van, Caravan, or other Stage Carriage carrying or conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing and repassing along the said Road, but no further or additional Toll shall be paid for or on account of any Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Car, Van, Caravan, or other Stage Carriage, on account only of the Horses or other Beasts drawing the same having been changed.

IX. And

Post Chaise on every new Hiring.

IX. 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 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; provided also, that the Tolls hereby made payable for and in respect of any Carriage propelled or moved by Machinery shall be paid every Time of passing and repassing of such Carriage along the said Road.

Carriages propelled by Steam to pay every Time.

Application of Monies.

X. And be it further enacted, That all the Monies received by virtue of the said recited Acts hereby repealed, and remaining undisposed of at the Time of the Commencement of this Act, 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 hereafter be borrowed upon the Credit thereof, and all other Monies which shall arise and be received by virtue thereof, 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 Payment of all the Costs, Charges, and Expences which shall have been incurred in passing this Act, and otherwise relative thereto; in the second place, in paying and discharging all Interest now due and owing and which shall hereafter become due upon any Mortgages or Securities of the Tolls hereby made payable; in the third place, in defraying the Expences of building or erecting Toll Houses, Toll Gates, and Toll Bars, with suitable Outbuildings and other Conveniences thereto, and of removing or altering the same or any of them, and in defraying the Expences of diverting, altering, raising, widening, improving, and repairing the said Road, and otherwise in executing the several Powers, Purposes, and Trusts of this Act; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money due on any such Mortgages or Securities as aforesaid

Tolls, &c. not to be expended in repairing Streets.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Acts hereby repealed, or to be raised by virtue of this Act, in repairing or improving any Street, Highway, or Place in any Town into or through which the said Road passes, or to collect any Tolls in any such Town.

Map or Plan to be deposited with the Clerk of the Peace, and be open to Inspection.

XII. And whereas a Map or Plan describing the Line of the said Diversion in the said Road herein-before particularly mentioned, and the Lands in, upon, through, or over which the same are respectively intended to be carried, together with a Book of Reference to such Map or Plan, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, hath been deposited at the Office of the Clerk of the Peace of the County of *Durham*; be it therefore further enacted, That the said Map or Plan and Book 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, 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 Six-

Limiting Deviations from Plan.

pence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said new Line shall not deviate more than One hundred Yards from the Line described in the said Map or Plan without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands any Deviation beyond such One hundred Yards shall respectively be made, provided that the said Trustees shall not divert or alter the Direction of the existing Road or Street called *Fawcett Street*, and the Continuation threreof Southwards through the Lands of *John Fawcett* Esquire, without the Consent in Writing of the said *John Fawcett*, his Heirs or Assigns.

Trustees shall build a Wall on the Sides of Miss Mowbray's Land.

XIII. Provided always, and be it further enacted, That the said Trustees, in making the said new Line of Road over or across the Lands of *Elizabeth Grey Mowbray* Spinster, shall cause a Stone Wall, Seven Feet in Height, One Foot for the Foundation inclusive, and in Breadth at the Bottom Twenty Inches and at the Top Sixteen Inches, built with Mortar, to be erected on either Side of the Lands of the said *Elizabeth Grey Mowbray* through which the said new Road is intended to pass, except through the Stone Quarry called *Building Hill*, where the same shall exceed the Depth of the intended Wall, and which Wall, when built, shall be the Property of the Owner of the Soil for the Time being.

New Roads may be made notwithstanding Misnomers.

XIV. Provided always, and be it further enacted, That it shall be lawful for the Trustees to make the said Diversion or new Line of Road through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of Lands through or over which the same is set out and described in the same Map or Plan or Book of Reference, although such Lands, or the Name or Names of such Owner or Owners, shall or may happen to be erroneously mentioned, described, omitted, or mis-stated in the said Map or Plan or Book of Reference, in case it shall appear to any Two or more Justices of the Peace of the County of *Durham*, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only.

Dwelling Houses, &c. not to be taken, except those mentioned in Schedule.

XV. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making, maintaining, widening, diverting, improving, or altering the said Road shall not extend to authorize or empower the said Trustees to take or pull down, injure or damage any Dwelling House or other Buildings, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, Plantation, planted Walk, or Avenue to a House, or any Part thereof respectively, without the Consent in Writing of the Owner or Owners thereof, for an Estate of Freehold or Inheritance in possession first had and obtained, except such as are mentioned and specified in the Schedule to this Act annexed.

Power of purchasing limited to Three Years.

XVI. And be it further enacted, That if the said Trustees shall not within the Space of Three Years from the passing of this Act purchase the Hereditaments mentioned in the Schedule to this Act, then and from thenceforth the Powers to them granted for such Purpose shall

 only

only be exercised with the Consent of the Owner or Owners of such Hereditaments; any thing herein contained to the contrary thereof in anywise notwithstanding.

Roads made or stopped up under repealed Acts to continue so.

XVII. And be it further enacted, That all Roads made, opened, widened, diverted, shut up, or discontinued under or by virtue of the Powers and Provisions of the said Two first recited Acts, or either of them, shall remain and continue open, widened, diverted, shut up, and discontinued respectively in such and the same Manner as if such Acts had not expired or been repealed; and the Trustees under this Act shall be discharged from the Care and Management of all Roads so shut up or discontinued, and also of all such of the Roads in the said Two first-recited Acts or either of them comprised as are not comprised in this Act.

Public Act.

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.

Term of Act.

XIX. And be it further enacted, That this Act shall commence upon the Second *Monday* next after the passing thereof, and shall 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.

The

The SCHEDULE to which this Act refers.

Description of Property.	Owners or reputed Owners.	Occupiers.
Township of Bishop Wearmouth in the Parish of Bishop Wearmouth.		
Portion of a private Street -	John Fawcett Esq^re - -	—
Vacant Ground or Paddock -	Ditto - - -	Bartholomew Dowell.
Field or Paddock - -	Ditto - - -	Thomas Thompson Esq^re
Ditto - - - -	Ditto - - -	Ditto.
Garden - - - -	Ditto - - -	Thomas Tate.
Field or Paddock - -	Elizabeth Grey Mowbray, a Ward in Chancery -	Thomas Whitfield.
Ditto - - -	Ditto - - -	Ditto.
Ditto - - -	Ditto - - -	John Alcock.
Limestone Quarry - -	Ditto - - -	Richard Burn.
Garth or Close of Land -	Ditto - - -	William Lee.
Ditto - - -	Ditto - - -	Ditto.
Ditto - - -	Ditto - - -	Ditto.
Field or Paddock - -	Ditto - - -	Richard Burn.
Ditto - - -	Ditto - - -	Ditto.
Ditto - - -	Ditto - - -	Ditto.
Ditto - - -	Ditto - - -	Ditto.
Field or Plantation - -	James Cowan - -	Himself.
Farmhouse and Outbuildings - - - -	Elizabeth Grey Mowbray, a Ward in Chancery -	Richard Burn.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1832.