ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. xxiii.

An Act for consolidating the Trusts of certain Roads called the *Breamish* and *Wooler* Turnpike Roads, in the County of *Northumberland*, and for more effectually improving and maintaining the same.

[30th *July* 1831.]

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing the Road leading from* Longhorsley Bar, *near the Town of* Morpeth, *by* Longhorsley, Weldon Bridge, *and* Whittingham, *to the River* Breamish, *and from thence to* Piercy's Cross, *in the County of* Northumberland; and which said Road, for the Sake of Distinction, is called the *Breamish* Turnpike Road: And whereas another Act was passed in the Tenth Year of the Reign of His said late Majesty, intituled *An Act for more effectually amending, improving ,and maintaining the Roads from* Piercy's Cross *to* Milfield Burn, *and from* Wooler *to* Bowsdon Burn, *in the County of* Northumberland; and which said last-mentioned Roads, for the Sake of Distinction, are called the *Wooler* Turnpike Roads: And whereas the said Road called the *Breamish* Turnpike Road, and the said Road from *Piercy's Cross* to *Milfield Burn*, form Part of the Line of Communication between the Cities of *London* and *Edinburgh*, and that Part of the said *Breamish* Turnpike Road which lies between *Weldon Bridge* and *Powburn* is hilly, inconvenient, and circuitous, and it would be of great public Utility, and would promote the Intercourse between distant Parts of the United Kingdom, if an entirely new and more commodious Line of Road was made between the said

1 G. 4. c. 71.

10 G. 4. c. 78.

said last-mentioned Places: And whereas the Money required for making and maintaining the said new Line of Road, and for defraying the Expences of amending and keeping in repair the other Parts of the said respective Turnpike Roads, could be raised and collected with greater Facility, and the said Roads could be materially improved, if the Trusts of the said Roads were consolidated and united into one Joint Trust; and it would therefore be of general public Importance and Utility, and is advisable, that all the Powers and Authorities given by the said recited Acts to the several Trustees appointed by or under the said Acts respectively, or such of the same Powers or Authorities as it is now necessary or expedient to retain, should be vested in one and the same Board of Trustees; and that such other Powers and Authorities should be given to them as may be necessary for more effectually attaining the Purposes of this Act: And whereas several Sums of Money are due and owing and secured upon the Tolls of the *Wooler* Turnpike Roads, and it is expedient that Provision should be made for preventing the Individuals who are entitled to the said Sums of Money respectively from being in any Manner prejudiced by the Consolidation of the Trusts of the said Roads: And whereas, in order to accomplish the several Purposes aforesaid, it will be more convenient to repeal the said recited Acts, and to re-enact, in the Manner herein-after mentioned, such of the Clauses and Provisions therein contained as it may be necessary or proper to have preserved; 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,

Recited Acts repealed.

That from and after the Second *Wednesday* next after the passing of this Act, the said several Acts passed in the First and Tenth Years of the Reign of His said late Majesty King *George* the Fourth shall be and the same are hereby repealed.

This Act to be put in execution for the Purpose herein mentioned.

II. And be it further enacted, That this Act shall from thenceforth commence and take effect, and be put in execution for and during the Term herein-after mentioned, for the Purpose of making, improving, and keeping in repair the Road from *Longhorsley Bar*, near the Town of *Morpeth*, by *Longhorsley*, *Weldon Bridge*, *Powburn*, *Piercy's Cross*, and *Wooler Bridge*, to *Milfield Burn*, and also the Road from *Wooler* to *Bowsdon Burn*, in the said County of *Northumberland*.

This Act not to affect Penalties incurred under the Acts above repealed.

III. And be it further enacted, That nothing herein contained shall extend to prevent the suing for and Recovery of any Penalty incurred or to be incurred by any Offence against the Provisions of the said Acts hereby repealed, or either of them, previously to the Commencement of this Act, or to prevent or defeat any Prosecution commenced or to be brought for such Offence; but all Penalties already incurred, or which may be incurred before the passing of this Act, under the Provisions of the said hereby repealed Acts, or either of them, may be sued for, and all Encroachments, Nuisances, and other Offences already made or committed, or which may be made or committed before the passing of this Act, against the Provisions of the said hereby repealed Acts, or either of them, may be abated or

prosecuted in the same Manner to all Intents and Purposes as if this Act had not been passed.

Trustees appointed.

IV. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Northumberland*, together with *Adam Atkinson* the elder, *Christopher Atkinson*, Sir *Henry Askew* Knight, *Thomas Grey Alder*, *Robert Lancelot Allgood*, *James Allgood* Clerk, Sir *Francis Blake* Baronet, *Charles John Bigge*, *Bryan Burrell*, *William Bailey*, *Henry Boag*, *John Boag*, *William Sadleir Bruere*, *John Brumell*, *William Wharton Burdon*, *Nicholas Bailey*, *Matthew Burrell*, *Mark William Carr*, *Joseph Cook* Clerk, *Henry John William Collingwood*, *William Compton* Clerk, *Frederick John Watson Collingwood*, *John Carr* of *Hedley*, *Hugh Percy Davison*, Sir *William Davison* Knight, *John Strangeways Donaldson*, *George Darling*, *John Frankland*, *James Fenwick*, *John Manners Fenwick*, *Robert Orde Fenwick*, *John Peregrine Lascelles Fenwick*, *Thomas Forster*, the Honourable *Henry George Grey*, *Anthony Gregson*, *John Grey* of *Milfield Hill*, *George Grey*, *John Grey* of *Kimmerston*, *James Gray*, *John Gray*, Sir *Carnaby Haggerston* Baronet, *Thomas Haggerston*, *John Hopper*, *George Hughes*, *Joseph Hughes*, *William Haigh* Clerk, the Honourable *Henry* Lord Viscount *Howick*, *Christopher Howey*, *Thomas Howey*, *Christopher Hopper*, *Robert Ilderton*, *William Jobson*, *Robert Jobson*, *Collingwood Forster James*, *Walter Ker*, *Walter Forster Ker*, *Thomas Kerr*, the Honourable *Henry Thomas Liddell*, *Robert de Lisle*, *Edmund Law* Clerk, *John Leithead*, *John Lambert*, *William Lowrey*, *John Langhorn*, *William Laws*, *John Charles Langlands*, *James Manisty* Clerk, *Thomas Meggison*, *Henry Morton*, *William Nelson*, *Robert Neale*, the Honourable *Charles* Lord Viscount *Ossulston*, *Edward Otter* Clerk, *William Ogle Wallis Ogle*, *John Ord*, *William Pawson*, Sir *Horace David Cholwell Saint Paul* Baronet, *Horace Saint Paul*, *Charles Maximilian Saint Paul*, *George Hughes Pringle*, *Ralph Riddell*, *Thomas Riddell*, *William Roddam*, *Lancelot Reed*, *James Rea*, *John Rea*, *Christopher Robinson* Clerk, *Edward Swinburne*, *Walter Selby*, *Thomas Selby*, *Prideaux Selby*, *Robert Selby*, *John Sandford* Clerk, Sir *John Trevelyan* Baronet, *Raleigh Trevelyan*, *John Tewart*, *John Trevelyan*, *Richard Thompson*, *William Tewart*, *Henry Baker Tristram* Clerk, *John Allan Wilkie*, *Christopher Wealleans*, and their Successors, being duly qualified to act as Trustees for repairing Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

First Meeting of Trustees.

V. And be it further enacted, That the said Trustees shall meet together on the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and Two in the Afternoon, at the *Tankerville Arms Inn* in the Parish of *Wooler* in the said County, or at some other convenient Place on or near the said Roads, and 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 Places on or near the said Roads, as they shall think proper.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time at any of their Meetings, to elect any Number of Persons, not

not exceeding Three in the whole, in addition to the Trustees herein named, to be Trustees for the Purposes of this Act; and such Persons, so elected, and being duly qualified, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities as if they had been herein named.

Power to continue and erect Toll Gates, Turnpikes, Side Bars, Weighing Machines, &c.

VII. And be it further enacted, That it shall be lawful for the said Trustees to continue, and to erect and set up or build, upon, in, or across the said Roads respectively, or on the Sides thereof or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, or Chain or Chains, and any Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Toll Gate and Weighing Machine, and to take in and inclose on the Sides of the said Roads suitable Garden Spots for such Toll House or Toll Houses, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and improve or alter or discontinue the same or any Part of them, as they the said Trustees shall think proper, and direct or appoint.

Power to take Tolls.

VIII. And be it further enacted, That upon and from and after the Second *Wednesday* next after the passing of this Act, the said Trustees, or any Person or Persons duly authorized by them, or by a Committee of their Number, shall be and they are hereby authorized and empowered to demand and take, or cause to be demanded and taken, at each of the said several Gates, Bars, Chains, and Turnpikes already erected, or to be erected in virtue of this Act, a Sum not exceeding the Rates and Duties herein-after specified, before any Carriage, or any Horse or other Cattle, shall pass through any such Gate or Turnpike erected or to be erected as aforesaid:

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Landau, Berlin, Phaeton, Chariot, Chaise, Calash, Hearse, Litter, Van, Caravan, Curricle, Gig, Chair, or other such Carriage, the Sum of Nine-pence:

For every Horse, Mule, Ox, or other Beast (except an Ass) drawing any Wain, Cart, or other such Carriage upon Two Wheels (the Fellies of the Wheels whereof are of less Breadth than Six Inches), the Sum of Sixpence; and for every Ass drawing such Carriage the Sum of Three-pence:

For every Horse, Mule, Ox, or other Beast drawing any Wain, Cart, or other such Carriage upon Two Wheels, (where the Fellies of the Wheels thereof are of a greater Breadth than Six Inches) the Sum of Four-pence:

For every Horse, Mule, Ox, or other Beast drawing any Waggon or other such Carriage upon Three or Four Wheels (the Fellies of the Wheels whereof are of less Breadth than Six Inches) the Sum of Nine-pence:

For every Horse, Mule, Ox, or other Beast drawing any Waggon or other such Carriage upon Three or Four Wheels (the Fellies of the Wheels whereof are of a greater Breadth than Six Inches), the Sum of Sixpence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Three-pence; and for every Ass, laden or unladen, and not drawing, the Sum of One Penny:

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

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

Tolls to be paid but once a Day.

IX. And be it further enacted, That in case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Mule, Ass, Beast, or other Cattle through any One of such Toll Gates, Turnpikes, or Side Gates or Chains, such Horse, Mule, Ass, Beast, or other Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced by the Person or Persons attending or having the Care of the same, be permitted to pass Toll-free at any Time or Times during the same Day, (to be computed from Twelve of the Clock on one Night to Twelve of the Clock on the next succeeding Night,) through the same Toll Gate, Turnpike, or Side Gate or Chain, and through such other Toll Gate, Turnpike, or Side Gate or Chain as the Ticket for such Payment shall denote to be free.

Limiting the Number of Tolls.

X. Provided always, and be it further enacted, That no more than Five full Tolls shall be demanded or taken for or in respect of the Passage of the same Horses or other Beasts on the same Day through all the several Turnpikes or Toll Gates, Bars, or Chains to be continued or erected on the said Road from *Longhrosley Bar* to *Milfield Burn*, nor more than One full Toll for or in respect of the Passage of the same Horses or other Beasts or Cattle on the same Day through all the several Turnpikes or Toll Gates, Bars or Chains to be continued or erected on the said Road from *Wooler* to *Bowsdon Burn*.

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

XI. Provided always, and be it further enacted, That the Tolls hereby made payable 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, shall be paid for every Time of passing or repassing through each of the Turnpikes or Toll Gates upon the said Roads: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises, &c. on every new Hiring.

XII. And be it further enacted, That the Tolls hereby made payable for or in respect of all Horses or other Beasts let out to Hire, drawing any Post Chaise or other Carriage, shall be paid for every Time of passing or repassing through each of the Turnpikes or Toll Gates upon the said Road whenever a new Hiring thereof shall have taken place.

Power to make new Line of Road.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to make, improve, and keep in repair the new Line of Road herein-before mentioned, lying between *Weldon Bridge* and *Powburn*, according to the Map or

Plan herein-after mentioned: Provided nevertheless, that that Part of the said new Line of Road which lies between *Weldon Bridge* and the Village of *Framlington* shall not be made until the Consent and Approbation in Writing of the Owner or Owners for the Time being of the Lands or Premises through which such Portion of the said new Line of Road is proposed to be made shall be obtained for that Purpose.

Power to make a Road of Communication to the Inn at Whittingham.

XIV. And whereas the present Line of Road passes by the Inn at *Whittingham*, but when the Diversion intended to be made in pursuance of this Act shall be completed the said Inn will be at a Distance from the said Road; be it therefore enacted, That it shall and may be lawful to and for the said Trustees, before the said new Line of Road is completed, to make a Road of Communication from the said new Line of Road to the said Inn at *Whittingham*, but the said Road of Communication when so made shall not be repaired by the said Trustees.

Map deposited with the Clerk of the Peace to remain there, and be open to Inspection.

XV. And whereas a Map or Plan describing the Line of the new Road by this Act intended to be made from *Weldon Bridge* to *Powburn*, and of the Lands, Hereditaments, and Premises through or over which the same is intended to be carried or made, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Northumberland*, in which County the said new Road is situate; be it therefore 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 any seasonable Time or Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying to the Clerk of the Peace for the said County for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of any such Map or Plan and Book of Reference; and the said Trustees,

Restricting Deviation from Plan.

in making the Road described in such Map or Plan, shall not deviate more than One hundred Yards from the Line described in such Map or Plan, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Land or Premises such Deviation or Deviations shall be made.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

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

Power to make the Diversion

XVII. And whereas in the said recited Act passed in the Tenth Year of His said late Majesty, after setting forth that that Part of

the said Road from *Piercy's Cross* to *Milfield Burn* which lies between *Lilburn Allers* and *High Haugh Head* might be made shorter and on a better Level if a Deviation or Diversion were made through Land belonging to *Henry John William Collingwood* Esquire, and the Right Honourable *Charles Augustus* Earl of *Tankerville*, in the Line described in a Map or Plan of the said Roads which had been deposited at the Office of the Clerk of the Peace for the County of *Northumberland*, it was enacted that the said Trustees might and were thereby empowered to make the said Diversion in the said Road between *Lilburn Allers* and *High Haugh Head* aforesaid, when and so soon as the Consent and Approbation in Writing of the said *Henry John William Collingwood* and *Charles Augustus* Earl of *Tankerville* respectively, or the Owner or Owners for the Time being of the Lands or Premises through which such Diversion was to be made, should be obtained for that Purpose: And whereas the Consent and Approbation in Writing of the said *Henry John William Collingwood* and *Charles Augustus* Earl of *Tankerville*, for making the said Diversion, has been duly obtained, and the said Trustees of the *Wooler* Roads have begun and have partly made the said Diversion, but the whole of the proposed new Line of Road between *Lilburn Allers* and *High Haugh Head* aforesaid has not been made and completed; be it therefore enacted, That notwithstanding the Repeal of the said recited Act it shall be lawful for the Trustees, in the Execution of this Act, and they are hereby empowered, to make and complete the said Diversion in the said Road between *Lilburn Allers* and *High Haugh Head* aforesaid.

mentioned in the Act of 10 G. 4.

XVIII. Provided always, and be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to alter or divert the Course of the said Roads in such Manner as they shall think proper, for the Purpose of rendering them more commodious and useful for the Public, although such Alterations or Deviations shall not be contained or described in the said Map or Plan: Provided always, that the previous Consent in Writing of the Owner or Owners of the Lands, Hereditaments, and Premises through which each such Alteration or Diversion is intended to pass, or of the respective Agents or Stewards of such Owner or Owners, shall be had and obtained by the said Trustees.

Power to alter the Course of the Roads, with Consent of the Owners of adjoining Property.

XIX. And be it further enacted, That all the Monies already received by virtue of the said Acts hereby repealed, or which shall arise or be produced by or from the Tolls by this Act granted, together with the Monies which shall hereafter be borrowed upon the Credit thereof, shall be applied, in the first place, in the Payment of all the Expences and Costs relative to the procuring and passing of this Act; 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 heretofore payable under the said recited Acts hereby repealed, or either of them; thirdly, in paying and discharging all Interest 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, in preference to the Interest of any Monies to be borrowed on the Credit of this Act, and then in paying and discharging the Interest to accrue and become

Application of Tolls.

become due upon or by virtue of any Mortgages or Securities which shall after the Commencement of this Act be made and granted of the Tolls hereby made payable; 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, authorized to be built and erected by the Side of or upon and across the said Roads; fifthly, in defraying the Expences of diverting, making, and maintaining the said new Line of Road from *Weldon Bridge* to *Powburn* aforesaid, and of diverting, widening, and improving, repairing and preserving the other Parts of the said Roads, and of erecting, 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 then in reducing, paying off, and discharging the several Principal Sums of Money which have already been secured on Mortgage of the Tolls arising on the said Roads by virtue of the said Acts hereby repealed, or either of them; and lastly, in repaying the Principal Monies which 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 or by virtue of this Act.

Toll Gates to be erected on Branch Roads, and no more Monies expended in the Repair of such Roads than are collected thereon.

XX. And be it further enacted, That the Trustees shall and they are hereby required to continue or erect, upon each of the Branch Roads, One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, Turnpike or Turnpikes, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions of this Act: Provided always, that no Money arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repairs of any Branch Road upon which there shall not be a Toll Gate or Bar continued under the Authority of the Trustees for carrying this Act into execution: Provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon the said Branch Roads, or in the Payment of any Principal Money borrowed on the Credit of the Tolls arising or payable upon such Branch Roads, or the Interest thereof, than shall be actually raised or received upon or in respect of such Branch Road; any thing in this Act contained to the contrary thereof notwithstanding.

Public Act.

XXI. And be it further enacted, That this Act shall be deemed and taken as 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.

XXII. And be it further enacted, That this Act shall commence upon 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.

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