ANNO QUINTO

GULIELMI IV. REGIS.

Cap. xxvii.

An Act for repairing and improving the Roads in the Counties of *Northumberland* and *Durham* called the *Ford* and *Lowick* Turnpikes, and for making certain new Branches in the said Counties.

[12th *June* 1835.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and improving the Road leading from* Cornhill Burn *by* Pallinsburn *and* Flodden Lane *to* Milfield March Burn, *and by* Ford Bridge *to* Lowick, *and also several other Roads therein mentioned, all in the Counties of* Northumberland *and* Durham: And whereas an Act was passed in the Fifty-third Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to continue the Term and enlarge the Powers of an Act of His present Majesty, for repairing the Road from* Cornhill Burn *to* Milfield March Burn, *and by* Ford Bridge *to* Lowick, *and other Roads in the said Act mentioned, in the Counties of* Northumberland *and* Durham, *and for making Two new Branches of Road to communicate therewith*, by which said second-recited Act the said first-recited Act was continued in force for the Residue of the Term by the said Second Act granted, and from the Expiration thereof for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; all which Terms and Times are now nearly expired: And whereas under the Authority of the said

32 G. 3. c. 145.

53 G. 3. c. 91.

Acts the Roads therein mentioned have been repaired as far as the Powers and Funds of the Trustees have enabled them, and considerable Sums of Money have been borrowed on the Credit of the Tolls by the said Acts authorized to be levied, which Sums of Money are still due and owing: And whereas the said Roads, and the new Roads or Diversions herein-after mentioned, cannot be effectually made, amended, widened, improved, and kept in repair, nor can the said Sums of Money or the Interest thereof be paid, nor the Purposes of the said Acts and of this Act be effectually executed, unless the Term granted and continued by the said Acts be further continued: And whereas some of the Roads directed by the said Acts to be repaired are of little public Utility, and it is expedient that the Trustees for executing this Act should be discharged from the future Care and Management thereof; and some others of the said Roads are inconvenient, and it will be of public Advantage to discontinue and relinquish them, and to make others in lieu thereof: And whereas it is expedient that Powers should be granted for making and maintaining the several new Lines of Road, and for repairing the several Highways herein-after mentioned; (that is to say,) a new Road from *Cornhill* Village to join the present Turnpike Road about Twenty Chains South of the *Berwick* and *Cornhill* Turnpike Road; a new Road branching from the present Turnpike Road at or near *Bruce's Castle* on *Pallinsburn* Estate, and running through *Pallinsburn*, *Branxton*, and *Ford* Estate Lands, behind the *Blue Bell* Inn, to join the said present Turnpike Road to the South of *Pallinsburn Cottage*, to be used in lieu of the present Turnpike Road past *Pallinsburn House;* another new Road to form a Communication between the last-described new Road and the Road to *Crookham;* another new Line of Road commencing at the East End of *Ford Bridge*, and running Southwards across the present Turnpike Road and round the Hill at *Ford Hill Farm*, and then Eastward till it joins the present *Ford* and *Lowick* Road to the Eastward of the Road to *Woodside*, to be used in lieu of the present Turnpike Road between *Ford Bridge* and the same Place; also for repairing the present Highway from *Howtel* to *Langham Bridge*, and thence to the present Turnpike Road from *Kilham* to *Pawston*, to be used in lieu of the present Road by *Kilham Ford* and *Kilham;* as also for making and maintaining a new Line of Road from the Village of *Lowick* in the County of *Northumberland*, by Way of *Thrummell Hill*, to the new *Berwick* and *Belford* Post Road at or near *Fenwick* in the County of *Durham*, to be used in lieu of the present Turnpike Road from *Lowick* by Way of *Kyloe* to *Fenwick-Wood Head*, all in the Counties of *Northumberland* and *Durham*: And whereas it is expedient that the said recited Acts should be repealed, and further, better, and more effectual Powers and Provisions granted in lieu thereof, as well for repairing, amending, widening, diverting, and otherwise improving the said Roads, as also for making and maintaining the new Roads herein mentioned; and it is also expedient that the present Tolls should be varied, altered, and increased: But inasmuch as the several 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 Third *Tuesday* next after the passing of this Act the said recited Acts of the Thirty-second and Fifty-third Years of the Reign of His Majesty King *George* the Third shall be and the same are hereby declared to be repealed, and null and void.

Recited Acts repealed.

II. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned, as well for the Purpose of more effectually amending, widening, repairing, and improving the several Roads herein-after mentioned and described; (that is to say,) the Road from *Ford Bridge*, by *Ford Bridge Lane*, *Crookham*, and *Barelees*, to *Cornhill*; the Road from *Ford Bridge Lane*, by *Lint Haugh Lane* and the North Part of *Flodden Lane*, to the last-described Road near *Crookham*; the Road from the West End of *Lint Haugh Lane* to *Milfield March Burn*; the Road from the last-described Road, by *Flodden*, *Howtel*, *Thornington*, *Langham Bridge*, *Pawston*, and *Shotten*, to the Border of *Scotland*; the Road from *Ford Bridge* by *Etal* to the *Berwick* Turnpike Road at *Duddo Burn*; the Road from *Ford Bridge*, by *Ford Common* and *Barmoor Lane End*, to *Lowick*; the Road from the last-described Road at *Barmoor Lane End*, to *Kimmerston* and *Red Scar*, to the *Wooler* Turnpike Road on *Milfield Plain*, commonly called the *Red Scar* Branch; as also for making, improving, and maintaining a new Road from *Cornhill* Village to join the present Turnpike Road about Twenty Chains South of the *Berwick* and *Cornhill* Turnpike Road; a new Road branching from the present Turnpike Road at or near *Bruce's Castle* on *Pallinsburn* Estate, and running through *Pallinsburn*, *Branxton*, and *Ford* Estate Lands, behind the *Blue Bell* Inn, to join the said present Turnpike Road to the South of *Pallinsburn Cottage*, to be used in lieu of the present Turnpike Road past *Pallinsburn House*; another new Road to form a Communication between the last-described new Road and the Road to *Crookham*; another new Line of Road, commencing at the East End of *Ford Bridge*, and running Southwards across the present Turnpike Road and round the Hill at *Ford Hill Farm*, and then Eastward till it joins the present *Ford* and *Lowick* Road to the Eastward of the Road to *Woodside*, to be used in lieu of the present Turnpike Road between *Ford Bridge* and the same Place; also for repairing the present Highway from *Howtel* to *Langham Bridge*, and thence to the present Turnpike Road from *Kilham* to *Pawston*, to be used in lieu of the present Road by *Kilham Ford* and *Kilham*; as also for making and maintaining a new Line of Road from the Village of *Lowick* in the County of *Northumberland*, by Way of *Thrummell Hill*, to the new *Berwick* and *Belford* Post Road at or near *Fenwick* in the County of *Durham*, to be used in lieu of the present Turnpike Road from *Lowick* by Way of *Kyloe* to *Fenwick-Wood Head*, all in the Counties of *Northumberland* and *Durham*.

This Act to be put in execution.

Present Roads.

New Roads.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Northumberland* and *Durham* respectively, or any Division of either of them, together with *George Adam Askew*, *Richard Craster Askew*, *Christopher Atkinson*,

Trustees Names.

Atkinson, William Appleby, Sir *Francis Blake* Baronet, *Robert Dudley Blake, Charles William Bigge, William Burrell, Bryan Burrell, John Chelfont Blackdon, Henry John William Collingwood, Frederick John Woodley Collingwood, John Henry Collingwood, Matthew Culley, Matthew Tewart Culley, Ralph Compton, William Compton* Clerk, *William Compton* the younger, Clerk, *James Graham Clarke*, Sir *William Davison, John Strangeways Donaldson* of *Cheswick House, Henry Dinning, George Darling, William Dawson*, Lord *Frederick Fitzclarence, Ralph Forster, John Friar, Samuel Arnot Fyler, James Greive, Charles Bacon Grey, John Grey* of *Milfield Hill, John Grey* of *Berrington, Stephen Fryer Gillum, James Grey, George Annett Grey; George Henry Grey*, Right Honourable *Henry Grey* commonly called Viscount *Howick*, Sir *Thomas Haggerstone* Baronet, *John Hodgson, John Himsworth, Collingwood Forster James, George Jenkinson* Clerk, *Robert Jones* Clerk, Right Honourable *Boyle*, commonly called Viscount *Kelburne, Thomas Knight* Clerk, *Henry Knight, John Lambert, John Langhorn, William Lowrey*, Right Honourable *Charles Bennett* commonly called Lord *Ossulston*, Sir *Horace Saint Paul* Baronet, *Charles Maximilian Saint Paul, William Procter* the younger, Clerk, *Thomas Pinkerton, William Pinkerton, John Rea, James Rea, Christopher Robinson* Clerk, Sir *Thomas Stanley Massey Stanley* Baronet, *John Stanley, Francis Sitwell, Henry Collingwood Selby, Prideaux John Selby, William Hart Sitwell, William Smith, Adam Smith, John Sibbit, Robert Wilkie, John Allan Wilkie*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed the Trustees for carrying this Act and the several Acts in force for regulating Turnpike Roads in *England* into full and complete Execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any of their General Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons not exceeding Five in the whole to be Trustees for the Purposes of this Act, in addition to the Trustees by this Act appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing the same as if they had been herein named and appointed.

Meetings of Trustees.

V. And be it further enacted, That the said Trustees shall meet together at the *Delaval Arms* Inn at *Ford* in the said County of *Northumberland*, or at some other convenient House or Place on the Line of the said Roads, on the Third *Tuesday* next after the passing of this Act, at the Hour of Twelve at Noon, or as soon after as conveniently may be, and proceed to the Execution of this Act; and such First Meeting or any subsequent Meeting of the Trustees under this Act may be adjourned from Time to Time as the Trustees present thereat shall judge necessary, and shall meet at such Time and Place within either of the said Counties of *Northumberland* and *Durham* as the Trustees present at such Meeting shall think proper; and in the Event of a smaller Number of Trustees than Three or of only One Trustee attending at the First Meeting to be held at the said

said Inn as aforesaid, or at any subsequent Meeting, it shall be in the Power of the said smaller Number of Trustees so assembled, or such One Trustee, to adjourn such Meeting to such Day as they or he shall think proper, not being more distant than One Calendar Month from and after the Day appointed for such former Meeting as aforesaid; and such Trustees or Trustee who shall so adjourn the Meeting as aforesaid shall authorize and direct their Clerk to give Notice of such Adjournment, and such Clerk shall cause Notice in Writing of such Adjournment to be affixed to all the Toll Gates erected or to be erected by virtue of this Act, or in such other Manner as the said Trustees by an Order at any Meeting shall from Time to Time direct; or in case the said Trustees at any Time assembled shall omit or neglect to adjourn themselves, or in the Event of no Trustee attending at the Time and Place appointed for any Meeting of Trustees, then and in every such Case any Two or more of the said Trustees, or the Clerk to the said Trustees, shall call another Meeting of Trustees by such Notice as aforesaid, or in such other Manner as aforesaid, at least Six Days before the Day appointed for such Meeting, which shall not be later than One Calendar Month after the Day of or appointed for such former Meeting as aforesaid, stating the Day and Purpose for such Meeting, and appointing the said Trustees to meet at the House or Place where the last Meeting was held or was appointed to be held or some other convenient House or Place within one of the said Counties.

Power to appoint Committees.

VI. And be it further enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of particular Parts or Lines of the said Roads, or to execute the other particular Purposes of this Act, according to such Instructions, Rules, and Regulations as shall be given and laid down by the said Trustees at any General Meeting assembled as directed by this Act; and the said Committees and their Surveyors may direct the repairing and keeping in repair such Part or Parts, Line or Lines of the said Roads, as shall be intrusted to their Care; but such Committees, and their Clerks, Surveyors, and other Officers, shall always be accountable for the Money which they shall draw or receive, according to the Instructions, Rules, and Regulations so to be made by the said Trustees at their General Meetings.

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

VII. And whereas Maps or Plans describing the Line of the said several Pieces of Road or Diversions, and the Lands, Hereditaments, and Premises through or over which the same is or are to be made or carried, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited in the respective Offices of the Clerks of the Peace for the Counties of *Northumberland* and *Durham*; be it therefore further enacted, That the said Trustees, in making the said new Pieces of Road or Diversions, shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans without the Consent in Writing of the Person or Persons, or Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such new Pieces of Road or Diversions shall be made; and the said Maps or Plans and Books of Reference shall remain in the

the Custody of the said Clerks 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 thereof, at their Will and Pleasure, paying to such Clerks of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the same, or any Copy or Copies thereof, certified by the said Clerks of the Peace respectively to be a true Copy or true Copies thereof, shall be and is and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others in all Courts of Law and elsewhere.

Landsmarked in the Plan may be used, notwithstanding Errors in Names in the Books of Reference.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said several new Lines of Roads or Diversions into, through, across, or over the several Lands, Hereditaments, and 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 Maps or Plans respectively as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Books of Reference or any of them, in case it shall appear to any Two or more of the Justices of the Peace for the Counties of *Northumberland* and *Durham* respectively in which the said Lands lie, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake only.

Trustees restrained from pulling down Dwelling Houses, &c. without Consent of the Owner.

IX. Provided also, and be it further enacted, That the Powers and Authorities hereby given for making the said new Lines of Roads herein-before described shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Curtilage, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk, or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained, save and except those specified in the Schedule hereunto annexed.

Lands to be purchased in Three Years.

X. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Three Years (to be computed from the passing of this Act) agree for and cause to be valued the Buildings, Grounds, and Hereditaments to be purchased for the Purposes of this Act, it shall not thereafter be lawful for the said Trustees to take or use any such Buildings, Grounds, or Hereditaments without the Consent in Writing of the Owners thereof first had and obtained.

The Freehold and Inheritance of Lands to remain and be vested in the Persons of

XI. And be it further enacted, That in case any Lands shall, in pursuance of this Act and of the Acts for regulating the Turnpike Roads in *England*, or any of them, be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased shall not (notwithstanding any Provisions in the said Acts or any of them to the contrary), by means of such

Purchase or any Conveyance made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or Persons in whom the same were vested immediately prior to such Purchase by the said Trustees; and the said Trustees shall, by means of such Purchase and Conveyance, or either of them, be entitled to a prepetual Right of Way in or upon the Lands purchased by them in pursuance of this Act and the said Acts, or any of them.

whom they are purchased.

XII. Provided also, and be it further enacted, That if at any Time any Land purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in or upon the said Lands vested in the said Trustees shall cease, determine, and be extinguished, and the Freehold and Inheritance of the said Lands shall be and remain in the Person or Persons then entitled to the same, free and discharged of and from such Right of Way.

The Right of Way to cease when Lands are not wanted.

XIII. Provided always, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and using the Lands and Hereditaments taken by them for the Purposes of this Act, and of erecting Toll Houses and other Buildings thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments under and by virtue of the Powers contained in any of the Acts now in force for regulating Turnpike Roads in *England*; any thing herein contained to the contrary in anywise notwithstanding.

The Trustees to have the same Power of cutting the Lands taken by them as if they had purchased the Fee Simple.

XIV. And be it further enacted, That the said Trustees shall and may continue the Toll Gates already standing and being at *Ford Bridge* and *Red Scar*, and also the Toll Gate at *Barelees* at or near its present Site, and shall and may erect and set up new Toll Gates and Side Gates at such Places as they shall find convenient on the Road between *Ford Bridge* and *Etal*, and also on the Road from *Ford Bridge*, by Way of *Flodden* and *Howtel*, to the Border of *Scotland*, and also on the Road between the West End of *Lowick* and the *Berwick* and *Belford* new Turnpike Road, when the intended new Road from *Lowick* to the said Turnpike Road shall be made and open for public Use.

Old Toll Gates to be continued, and new ones erected.

XV. And be it further enacted, That at each of the said Toll Gates or Toll Bars or Side Bars erected or to be erected there shall be demanded and taken on each and every Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) the several Tolls following; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast whatsoever, drawing any Coach, Chariot, Barouche, Chaise, Hearse, Chair, Taxed Cart, or other such Carriage, Nine-pence:

For

For every Horse, Mule, or other Beast whatsoever (other than an Ass), drawing any Waggon, Cart, or other such Carriage, Four-pence Halfpenny:

For every Ass drawing any Waggon, Cart, or other such Carriage, Two-pence:

For every Horse, Mule, or Beast of Burthen (other than an Ass), laden or unladen, and not drawing, Three-pence:

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

For every Score of Oxen, Cows, or Neat Cattle, or young Horses unshod, and so in proportion for any greater or smaller Quantity, Ten-pence:

For every Score of Sheep, Hogs, Lambs, Goats, or Kids, and so in proportion for any greater or smaller Quantity, Five-pence:

Provided always, that when any Tolls shall have been paid at the *Barelees* Toll Gate for any Horse, Mule, Ass, Beast, or other Cattle by this Act liable to Toll, then the same shall not be liable to any Toll on passing through the Toll Gates erected or to be erected at *Ford Bridge*, or across the Road between *Ford Bridge* and *Etal*; and when any Toll shall have been paid at either of the said last-mentioned Toll Gates, the same Horse, Mule, Ass, Beast, or other Cattle shall not be liable to any Toll on passing through the Toll Gate at *Barelees*; and that any such Horse, Mule, Ass, Beast, or other Cattle shall be liable to pay Toll at One only of the Toll Gates (if more than One) on the Road from *Ford Bridge*, by Way of *Flodden* and *Howtel*, to the Border of *Scotland*.

Tolls to be paid but once a Day.

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

Limiting the Tolls.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees or any Person authorized by them to be Collector of the said Tolls, to demand or take more than Four full Tolls in any One Day (such Day to be computed as aforesaid) for or in respect of the same Horses, Beasts, or Cattle passing or repassing along the whole of the said Roads.

Regulation as to Tolls on Red Scar Branch, and the Repairs thereof.

XVIII. And be it further enacted, That the Money to arise from the Tolls on the before-mentioned Road called the *Red Scar* Branch, or to be borrowed on the Credit thereof, and none other, shall be laid out or applied towards repairing or improving the said Branch, or in the Repairs of the Bridge on the same over the River *Till*, and for that

that Purpose the said Trustees shall cause to be kept separate and distinct Accounts of all the Tolls and other Money collected or borrowed on account of the said *Red Scar* Branch, and of all Monies laid out and expended in the repairing and improving the said Road, and in repairing the said Bridge thereon: Provided always, that the said Trustees or the said Tolls shall not be liable to any Charge of rebuilding or replacing the said Bridge at *Red Scar*.

Trustees not to be liable to rebuild the Bridge.

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

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

XX. 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, and 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 Roads whenever a new Hiring thereof shall have taken place.

Post Chaises to pay Toll on every new Hiring.

XXI. And whereas heretofore the Payment of Tolls at the said Toll Gate at *Ford Bridge* has been evaded by the Passage of Horses, Cattle, and other Articles liable to Toll at the Ford through the River *Till* at *Ford Forge*; for the Prevention whereof, be it therefore further enacted, That it shall not be lawful for any Person or Persons whomsoever to pass through the said Ford, and from thence to any Part of the Turnpike Roads on the West Side of the River *Till*, other than and except the Occupier or Occupiers of *Heatherslaw* Mills and Farm, or any Member of his or their Families, or any Servant of such Occupier or Occupiers; and any Person offending herein shall be liable to a Penalty not exceeding Five Pounds for every such Offence: Provided always, that it shall be lawful for any of His Majesty's Subjects to pass through the said Ford so far as to the said Mill and Farm and back again, having lawful Business there.

Regulation about Passage through the Toll at Ford Forge.

XXII. And be it further enacted, That the Passage of and through the River *Till* by the *Red Scar Ford*, and all other Places within Half a Mile from the present Bridge on each Side thereof, shall be disused and shut up in such Way as the said Trustees shall think fit during the Term of this Act, or so long as the present or any other Bridge at the present Site shall be standing and used by the Public.

Red Scar Ford to be shut up.

XXIII. And be it further enacted, That the Passage of and through the River *Till* by the Fords called *Flodden Ford*, *Willow Ford*, and *Selby's Ford*, shall be continued to be shut up.

Flodden Ford, Willow Ford, and Selby's Ford to be shut up.

Alterations in Road between Flodden Lane and Cornhill.

XXIV. And be it further enacted, That the said Trustees shall and may improve and alter the Road in the North Part of *Flodden Lane* and between that and *Cornhill* at the several Places and in manner following; (that is to say,) by deviating from the present Road at the nearest Bank or Hill on the South Side of *Pallinsburn Cottage*, and passing behind the Inn called the *Blue Bell* Inn, and joining the present Road at or near *Bruce's Castle*, by making a Road to communicate between the new Road and *Crookham*, and by making a new Piece of Road to render the Access to the East End of *Cornhill* more easy, and to be used instead of the present Approach to *Cornhill*.

Parts of old Road to be then shut up.

XXV. And be it further enacted, That when and as soon as the said Alteration or new Road at or near *Pallinsburn* shall be made and open for the Use of the Public the present Turnpike Road from the South End of *Keekout Lane* to the Junction of the old and new Roads near *Bruce's Castle* shall be discontinued, and the said Trustees shall have full Power and Authority to direct the same to be shut up by such Ways and Means as they shall deem most expedient and effectual, but subject to Appeal to the Quarter Sessions in manner directed by an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

55 G. 3. c. 68.

Alterations between Ford Bridge and Lowick.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees to alter and divert Part of the present Road between *Ford Bridge* and *Lowick* by making a new Road Southward from *Ford Bridge* along *Ford Hill Land*, and by the South Side of *Ford Hill* Farmstead, to join the present Turnpike Road at the Plantation to the Eastward of *Barmoor Ridge*, and to make such short Side Branches as may be necessary to connect it with the adjoining Highways, provided the Consent of all such Ecclesiastical and other Persons and Authorities whose Consent is by Law necessary for the Alienation of Church Property be previously obtained, so far as regards the Glebe belonging to the Rectory of *Ford*; and when the said new Road shall be made and opened for the Use of the Public the said Trustees shall be discharged from all Liability to repair the present Road from *Ford Bridge* to the Junction of the old and new Roads at the East End, and then also that Part of the present Road between *Ford Bridge* and the Point where it will be crossed by the new one, and likewise that Part between the Top of the Hill to the Eastward of the *Delaval Arms* Inn and the Junction of the old and new Road at the East End, and also that Part of the *Red Scar* Branch which will then lie between the old and new Roads, shall be discontinued and shut up by such Means as the said Trustees shall think fit, but subject to Appeal as herein-before mentioned.

Trustees discharged from Repair of Part of old Road, which shall then to be shut up.

New Road from Lowick Turnpike to

XXVII. And be it further enacted, That it shall be lawful for the said Trustees to make a new Line of Road from the present Turnpike

below

below *Lowick*, by Way of *Thrummell Hill*, to the new *Berwick* and *Belford* Post Road near *Fenwick*, and for that Purpose to adopt so much of the present Highway or Township Road as lies to the Eastward of the said *Lowick* Turnpike; and as soon as the said new Line of Road shall be made and opened for the Use of the Public the present Road from the West Side of the open Field below *Lowick* to the old Post Road at *Fenwick Wood Head*, and also the Road from the Lane between *Lowick* and *Dryburn* (called *Dryburn Lane*) to *Hunting Hall Burn*, shall be discontinued; and the said Trustees shall have full Power and Authority to direct the same to be shut up by such Ways and Means as they shall deem most expedient and effectual, but subject to Appeal as herein-before mentioned.

the Berwick and Belford Post Road.

Old Road to be shut up.

XXVIII. And be it further enacted, That if any Person shall pass along any of the said Roads hereby directed to be discontinued and shut up, after the same shall be so shut up, with any Horse, Cattle, or other Thing liable to Toll, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty for using Roads directed to be shut up.

XXIX. And be it further enacted, That the said Trustees shall and may apply so much of the said Tolls as they shall think fit in repairing and improving the Highway from the Turnpike Road above *Howtell*, through *Thornington* Lands, to *Langham Bridge*, and thence to the Road between *Kilham* and *Pawston*; and from and after the passing of this Act the said Trustees and the Tolls hereby granted shall be discharged from all Liability to repair the present Road through *Kilham Ford* and *Kilham* to *Langham Bridge*.

Repair of Highway from Howtell to Langham Bridge.

XXX. And whereas by an Act passed the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England, it is enacted that the Owners or Occupiers of the Land next adjoining to every Turnpike Road shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground: And whereas it is found by Experience in the District wherein the Roads mentioned in this Act do lie that Hedges of the Height of Six Feet are unnecessary as Fences and injurious to the Roads; be it therefore enacted, That the Owners or Occupiers of the Land next adjoining to every Turnpike Road hereby directed to be repaired shall cut, prune, and trim their Hedges to the Height of Four Feet from the Surface of the Ground; and if such Owner or Occupier shall not, within Ten Days after Notice given by the Surveyor for that Purpose, cut, prune, and trim such Hedges, it shall and may be lawful for the said Surveyor and he is hereby required to make Complaint thereof to some Justice of the Peace where such Turnpike Road shall lie, who shall summon the Occupier of such Lands before him to answer the said Complaint; and if it shall appear to such Justice that such Occupier has not complied with the Directions of this Act in that Behalf it shall and may be lawful for such Justice, upon hearing the Surveyor and Occupier of such Land or his Agent, (or, in default of his or her Appearance, upon having due Proof of the Service of such Summons,) and considering the Circumstances of the Case, to order such Hedges to

Owners of adjoining Lands to cut Hedges. If neglected for Ten Days after Notice, Surveyor may complain to a Justice, who may order the same to be done, on pain of forfeiting 2*s.* for every Twenty-four Feet in Length. 3 G. 4. c. 126.

to be cut, trimmed, and pruned as aforesaid; and if the Occupier of such Land shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit the Sum of Two Shillings for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned; and the Surveyor, in case of such Default made by the Occupier, shall and he is hereby required to cut, prune, and trim such Hedges in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same; or in default thereof such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels, by Warrant from a Justice of the Peace, in such Manner as is authorized for Forfeitures incurred by virtue of this Act.

Hedges may be cut at the Expence of the Defaulter.

No Money to be laid out in Branches when there is no Turnpike erected or no Tolls taken.

XXXI. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Line of Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Line of Road, nor unless the Tolls mentioned in this Act shall be demanded and taken thereof: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Line of Road than shall be collected thereon.

Tolls not to be laid out in repairing any Streets.

XXXII. Provided always, and be it further enacted, That none of the Tolls authorized by this Act to be taken upon the said Roads, nor any of the Monies raised by virtue of the said recited Acts or any of them, or to be raised by virtue of this Act, shall be paid, laid out, or expended in the Repair or Improvement of any Street, Highway, or Place within any Town through which the said Roads shall pass, nor shall any Tolls be collected therein by virtue of this Act.

Application of the Tolls.

XXXIII. And be it further enacted, That out of the Monies already subscribed and to be subscribed or advanced for the Purposes of or which shall be borrowed on the Credit of this Act, or which shall arise or be produced by or from the Tolls by this Act granted, the said Trustees shall, in the first place, pay and discharge all the Costs, Charges, and Expences relative to the preparing, obtaining, and passing of this Act, with Interest for the Money advanced, and of the Surveys made preparatory thereto, and all other Expences respecting the same; all Interest now due on Securities for Money lent for the making, repairing, and improving of the *Ford* and *Lowick* old Roads mentioned and described in the said recited Act of the Fifty-third Year of the Reign of His Majesty King *George* the Third, and all Interest which shall hereafter accrue or become due on or by virtue of all Mortgages or Securities already granted under the Authority of the said recited Acts or either of them, and which may be granted under the Authority of this Act; the Expences of amending, widening, making, and maintaining the several present Roads, and the new Roads and Diversions or Alterations by this Act authorized to be made, and the Highways authorized to be adopted, and in purchasing

purchasing Land and Materials for the Purposes of this Act, and in erecting, making, or providing Toll Gates, Turnpikes, Bars, Gates, Toll Houses, with proper Outhouses and Conveniences, also Footpaths, Causeways, Bridges, Ditches, Fences, Rails, Posts, and other Matters and Things necessary or requisite for carrying the Purposes of this Act into execution, and the Charges of making such Repairs to the Bridge at the *Red Scar* as they shall think fit; and after Payment of all such Expences the Remainder (if any) of such Monies, and all Monies which shall arise or be received from the Tolls by this Act granted, or otherwise, shall from Time to Time be applied in repaying the Principal Monies subscribed or advanced or which shall be borrowed for the Purposes of this Act.

Public Act.

XXXIV. 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.

XXXV. And be it further enacted, That this Act shall commence and take effect from and after the Third *Tuesday* next after the passing thereof, and shall continue to be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

The SCHEDULE to which the foregoing Act refers.

Parish or Township.	Description of Property.	Owners or reputed Owners.	Occupiers.
Cornhill - - -	Cottage and Garths.	Henry John William Collingwood.	Henry John William Collingwood.
The same - -	Garth - -	The same - -	The Churchwardens and Overseers of Cornhill Parish.
Marldown - -	Land - -	The same - -	John Laing.
Cornhill - - -	Ditto - -	The same - -	James Cramond.
Pallinsburn - -	Ditto - -	George Adam Askew	George Adam Askew.
Pallinsburn, Westfield.	Ditto - -	The same - -	The Representatives of Thomas Tulip.
Marden - - -	Ditto - -	The same - -	James and Thomas Brown.
Blinkbonny - -	Ditto - -	The Marquis of Waterford.	James Hunter.
Branxton -	Ditto - -	Frances Lady Haggerstone.	Andrew and J. Elliott.
Ford - - -	Ditto -	The Marquis of Waterford.	The Marquis of Waterford.
		The same - -	Thomas Thompson.
		The same - -	George Charles Carpenter.
Ford Hill - -	Ditto - -	The same - -	Ralph and Mark Chisholm.
Ford - -	Ditto - -	The same - -	The Representatives of John Carr.
Ford Glebe - -	Ditto - -	The Rector of Ford -	Reverend Thomas Knight
Barmoor - - -	Ditto - -	Francis Sitwell -	Francis Sitwell.
Barmoor Ridge -	Ditto - -	The same - -	Christopher and John Strangeways.
Lowick Low Stead -	Ditto - -	Sir Thomas Haggerstone, Baronet.	William Dickson.
Hunting Hall - -	Ditto - -	The same - -	George Jackson.
Lowick - - -	Ditto - -	The same - -	Gilbert Cargey.
Thrummell Hill -	Ditto - -	Charles Bacon Grey -	Charles Bacon Grey.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1835.