

ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxxv.

An Act to create a further Term in so much of the *Newcastle-upon-Tyne and Carlisle* Turnpike Road as is within the County of *Northumberland;* to repeal, amend, and extend the Powers of the Act relating to the said Road; and for other Purposes. [13th *July* 1863.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty, King *George* the Fourth, Chapter Seventy-two, intituled *An Act for more effectually repairing* 9 G. 4. c. 72.
so much of the Road from the Town of Newcastle-upon-Tyne *to the City of* Carlisle *as is within the County of* Northumberland : And whereas the Term granted by the said Act would have expired in the Year One thousand eight hundred and forty-nine, but the same has been continued from Year to Year by "The Annual Turnpike Acts Continuance Act," and the said Term will now expire on the First Day of *November* One thousand eight hundred and sixty-three, unless Parliament shall in the meantime continue the same: And whereas various Sums of Money have been advanced and secured on the Credit of the Tolls authorized to be taken upon the said Road, Part of which Sums have been paid off; and the Residue thereof now due and owing consists of the Sum of One

thousand two hundred Pounds, set forth in the Schedule hereunto annexed; and such Principal Sum cannot be paid off unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted for repairing and maintaining the said Road: And whereas the Purposes aforesaid cannot be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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Recited Act repealed, and this Act put in force.

1. From and after the Commencement of this Act the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Seventy-two, shall be repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes herein mentioned.

Short Title.

2. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Newcastle-upon-Tyne and Carlisle* (*Northumberland*) Road Act, 1863."

Interpretation of Terms.

3. 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 Expression "Toll Gate" shall include Turnpike, Side Gate, Side Bar, or Chain, either on the said Road or on the Sides thereof.

All Arrears of Tolls and Monies due under recited Act vested in Trustees under this Act.

4. All Rents, Arrears of Rents, Tolls, Arrears of Tolls, and other Monies due or reserved or belonging to, and all Monies, Property, and Choses in Action vested in the Trustees under the Act hereby repealed shall immediately on the Commencement of this Act be vested in 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 due or reserved, belonging to or vested in them, under the said repealed Act, and they shall be liable to the Payment of all Sums of Money, Debts, and Demands now due and owing on the Credit or Security of the said repealed Act, and to all the Engagements to which the Trustees under the repealed Act were liable at the Repeal thereof, except so far as the same may be altered or varied by this Act.

Conveyances &c. under former Act to continue in force.

5. Subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said repealed

repealed Act, or with any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said repealed Act with or to any Person or Persons for any Purpose relating to the said Road therein comprised, or to the Execution of the said Act, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and to the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the said repealed Act shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said recited Act.

Former Books to be Evidence.

6. All and every the Books and Book of Proceedings which have been kept by the Trustees acting in the Execution of the Act hereby repealed, or any of the Acts therein recited, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Act, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Trustees appointed.

7. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Northumberland*, together with *John George Abbott*, *Christian Allhusen*, *Henry Christian Allhusen*, *George Anderson*, *Adam Atkinson*, *Joseph Anderson*, Sir *William Armstrong*, Knight, *Charles Murray Adamson*, *William Adamson*, *George Clayton Atkinson*, *Christopher Dove Barker*, *Matthew Bell*, *William Edward Barnett*, *Calverley Bewicke*, *John Moore Bates*, *Henry Bell*, Reverend *George Richard Bigge*, Reverend *John Frederick Bigge*, Sir *Edward Blackett* Bart., *Edward Algernon Blackett*, *William Fenwick Blackett*, Reverend *Dickson Brown*, *Ralph Brown*, *William Bulman*, *John Carr*, *Richard Cail*, *John Clutterbuck*, *Matthew Clayton*, *Nathaniel George Clayton*, *John Clayton*, *Charles Henry Cook*, *Joseph Crawhall*, *William Isaac Cookson*, Sir *William A. Clavering* Bart., *Edward Collingwood*, *Edward John Collingwood*, *John Collingwood*, *Robert Coull*, *Thomas Doubleday*, *Ralph Dodds*, *Peregrine George Ellison*, Reverend *William Elphinstone Elliott*, *Jasper Gibson*, *Richard Gibson*, *Edward Nathaniel Grace*, Reverend *Frederick Gipps*, *John Hodson Hinde*, *Henry Hind*, *Thomas Hedley*, Reverend *H. Maxwell Heron*, *Robert Hawthorn*, *William Hawthorn*, *Richard Hoyle*, *William Kirsopp*, *Robert Leadbitter*, *Richard Lamb*, *Joseph Chatto Lamb*, *Richard Lambert*, *Nicolas Leadbitter*, *Matthew Leadbitter*, *Joseph Laycock*, *Robert Ormston Lamb*, *Nicholas Maughan*, *Henry Milvain*, *Simon Mewburn*, Reverend *John Blackett*

The Newcastle-upon-Tyne and Carlisle (Northumberland) Road Act, 1863.

Blackett Orde, Archibald Gilchrist Potter, Jonathan Priestman, Edward Potter, William Pears, Henry Parker, Reverend *John Reed, John Ridley, Riddell Robson, Jonathan Richardson, Charles John Reed, Charles Francis Shum, Thomas Eustace Smith, Henry Shum Storey, Edward Smith, Hugh Taylor, Hugh Taylor* of *Backworth,* Sir *Hedworth Williamson* Baronet, *William Watson, George Wailes,* Reverend *John Walker, Henry West, John Anthony Woods,* and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

8. It shall be lawful for the said Trustees 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 elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

9. The Trustees shall hold their First Meeting at the Moot Hall in the County of *Northumberland*, or at some other Place in the said County or in the Town of *Newcastle-upon-Tyne* aforesaid, on the Second *Saturday* after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Four 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 Road as they shall think proper for the Purpose of putting this Act into execution.

Power to appoint Committees.

10. The said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Road, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General or adjourned Meeting; and the said Committees and the Officers of the Trust may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to which this Act is applicable.

11. This Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair so much of the Road leading from the Town of *Newcastle-upon-Tyne* to the City of *Carlisle* as is within the County of *Northumberland*.

Style of the Trust.

12 The Road comprised in this Act shall be called "The *Newcastle and Carlisle* (*Northumberland*) Road," and the Trustees for executing this

this Act shall shall be styled "The Trustees of the *Newcastle and Carlisle* (*Northumberland*) Road."

13. The several Toll Gates and Toll Houses now standing or being upon the said Road, or on the Sides thereof, shall be continued until removed by an Order of the said Trustees, and it shall be lawful for the said Trustees, subject to the Provisions of this Act and of an Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven, to order and cause to be erected, built, and set up upon, in, or across the said Road by this Act directed or authorized to be maintained and repaired, or in and upon the Sides thereof, or any Part thereof respectively, any Toll Gates and Toll Houses and Weighing Machines, with Outhouses and Conveniences suitable thereto, at or near each such Toll Gate and Weighing Machine as the Trustees may think necessary, and from Time to Time remove, alter, or discontinue the present or any future Toll Gates, Toll Houses, or Weighing Machines as they shall think proper.

For continuing the present Toll Gates and Toll Houses, removing same, and erecting new ones.

14. From and after the Commencement of this Act it shall be lawful for the said Trustees, subject to the Provisions of this Act, to demand and take on each and every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night, at each and every Toll Gate which shall be continued or set up, by virtue of this Act, in, upon, across, or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Power to take Tolls.

Tolls.

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

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

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for a greater or less Number:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, having the Sole or Bottom of the Felloes of the Wheels thereof of the Breadth or Gauge of Twelve Inches, and rolling a Surface of that Breadth so flat or level as not to deviate more than One Inch from a flat Surface, the Sum of Twopence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Felloes of the Wheels thereof of the Breadth or Gauge of Nine Inches and less than Twelve Inches, and rolling such Surface as aforesaid, the Sum of Threepence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Felloes of the Wheels thereof of the Breadth or Gauge of Six Inches and less than Nine Inches, the Sum of Fivepence:

For every Horse or other Beast (except an Ass) drawing any Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Felloes of the Wheels thereof of a less Breath or Gauge than Six Inches, the Sum of Sixpence; and for every Ass drawing any such Carriage, the Sum of Fourpence:

Which said Tolls shall be demanded and taken before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Cart, or other Carriage whatsoever, shall be permitted to pass through any Toll Gate which shall be maintained, erected, or placed by virtue of this Act in, upon, or across the said Road, or on the Sides thereof, or any Part thereof, and which said respective Tolls shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

As to the Fraction of a Halfpenny in Tolls.

15. In all Cases where 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.

Tolls to be paid but once for passing and repassing on the same Day.

16. Provided always, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any One of the Toll Gates to be constructed or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall (upon a Ticket being produced denoting such Payment for that Day, and which Ticket the Collector of such Tolls is hereby required to deliver *gratis* to the Person paying the same, and whereon shall be named and specified the Gate at which the same shall have been paid, and also the Gate or Gates, if any, freed by the Payment of such Toll,) 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 during the same Day, except as herein-after provided.

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

17. The Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, Chaise, Cart, Chair, Break, or Stage Waggon, or other Stage Carriage conveying

conveying Passengers or Goods for Hire or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Post-chaises on every new Hiring.

18. The Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post-chaise or other Carriage, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place, in the same Manner as if no previous Payment of Tolls in respect of such Horses or Beasts had been made on the same Day.

Horses, &c. drawing different Waggons. &c.

19. The Tolls hereby authorized shall be payable at each and every Toll Gate belonging to the Trustees in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Dray, Cart, or such like Carriage, for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any of the Toll Gates of the Trustees, drawing any other Waggon, Wain, Dray, Cart, or such like Carriage than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day at which such Toll shall have been paid.

Limiting the Number of Tolls on the whole Line of Road.

20. Provided also, That no more than Four full Tolls shall be demanded or taken for or in respect of the Passage of the same Horses, Beasts, Cattle, or Carriages on the same Day (to be computed as aforesaid) through all or any of the Toll Gates along the whole Line of the said Road hereby authorized to be maintained.

Present Tolls continued until new Tolls appointed.

21. Notwithstanding the Repeal of the 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 Road until the First Day of *January* 1864, unless before that Day other Tolls shall be appointed to be taken under the Powers of this Act; and such existing Tolls may be recovered in the same Manner in all respects as if they were Tolls appointed to be taken under the Powers of this Act.

Application of Monies and Tolls.

22. All Monies and Tolls vested in or which shall be received by the said Trustees under or by virtue of the repealed Act or this Act, and which shall be applicable to the Purposes thereof, shall be applied as follows; (that is to say,)

First, in paying and discharging the necessary Costs and Expenses attending the applying for, obtaining, and passing this Act, or incidental thereto;

Secondly, in defraying the necessary Expenses of repairing Toll Gates, and Toll Houses and Weighing Machines, the Salaries and Wages of the Clerk, Surveyor, and other Officers and Persons employed by the said Trustees, and the other Costs attending the Management of

of the said Road, provided that such Expenses shall not exceed in any One Year the Sum of Eighty-five Pounds, exclusive of any Payment to Toll Collectors for collecting Tolls, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law, or preferring or defending any Indictment, or in taking or defending any Proceeding before any Justice of the Peace, or any Proceeding for the Protection of the Trust;

Thirdly, in paying to the Person or Persons entitled thereto Interest, not exceeding the Rate of Three Pounds Ten Shillings *per Centum per Annum*, on the Principal Sum of Twelve hundred Pounds mentioned in the Schedule hereunto annexed as now owing on the Credit of the said Trust, or on so much thereof as shall for the Time being be due and unpaid;

Fourthly, in paying and discharging the necessary Costs and Expenses, not exceeding in any One Year the Sum of Three hundred Pounds, of repairing and maintaining the said Road, and otherwise putting this Act into execution with reference thereto;

Fifthly, in reducing and paying off in the Manner herein-after provided the said Principal Sum of Twelve hundred Pounds, or so much thereof as shall for the Time being be owing on the Credit of the Tolls; and,

Sixthly, after Payment of the whole of the said Principal Sum of Twelve hundred Pounds and Interest, in further repairing and maintaining or improving the said Road, and putting this Act into execution with reference thereto.

No more Money to be borrowed on Tolls.

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

Mortgagee to take possession for Arrears of Interest only.

24. Whenever and so long as the Interest upon the existing Mortgage and Charge upon the Tolls of the said Road shall be duly paid, at the Rate by this Act authorized, within Three Calendar Months nevt after the same shall become due, no Holder of such Mortgage or Security shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or the Sides thereof, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and if such Mortgagee shall in consequence of default in Payment of such Interest for more than Three Months, enter into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, he shall pay the Interest from Time to Time becoming due, at the Rate by this Act authorized, upon the then existing Mortgage and Security, and may also reimburse herself or himself any Costs to which she or he may be entitled; and such Mortgagee so being

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 Mortgage 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 by this Act authorized on such Mortgage 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, or as they shall direct, the Balance (if any) remaining in her or 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: Provided always, that no such Power to take possession of such Toll Gates, Toll Houses, or Buildings, or to enter into the Receipt of the Tolls arising on the said Road, shall be exercised until the Expenses of and incident to the passing of this Act shall have been paid and discharged.

As to Mode of discharging Debt.

25. When and so often as the Sum applicable to the Discharge of the Principal Money for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds the Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Sum of One thousand two hundred Pounds, to the Person for the Time being entitled thereto.

Road not exempt from Provisions of General Acts.

26. Nothing herein contained shall be deemed to exempt the Road comprised in this Act 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.

Term of Act.

27. This Act shall commence and take effect on the First Day of *November* 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.

The Newcastle-upon-Tyne and Carlisle (Northumberland) Road Act, 1863.

SCHEDULE referred to in this Act.

Name of Creditor.	Amount of Principal. £	s.	d.
Loraine, Miss Margaret - - - - -	1,200	0	0

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