ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cii.

An Act for repairing the Road from *North Shields* in the County of *Northumberland* to the Town of *Newcastle-upon-Tyne*; and for other Purposes.

[23d *June* 1864.]

WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for more effectually repairing the Road from* North Shields *in the County of* Northumberland *to the Town of* Newcastle-upon-Tyne, *and certain Branches communicating therewith, and also for making and repairing additional Branches of Road*, and such Act is in this Act referred to as "the recited Act:" And whereas the Term granted by the recited Act will shortly expire unless the same be further continued: And whereas the several Sums of Money specified in the Schedules to this Act are now due and owingon the Credit of the Tolls authorized by the recited Act to be taken: And whereas it is expedient that the recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof for the Maintenance and Repair of the present Turnpike Roads, and for dis- 1 & 2 W. 4. c. lxxii.

charging the existing Debts in respect thereof; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "*Newcastle-upon-Tyne and North Shields* Road Act, 1864."

Recited Act repealed.

2. Upon the Commencement of this Act the recited Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth is hereby repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes hereinafter mentioned.

Interpretation of Terms.

3. In the Construction of this Act the following Words and Expressions have the several Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

The Expression "Trustees" means the Trustees for the Time being for carrying this Act into execution:

The Word "Toll-gate" means and includes all Toll-gates, Turnpikes, Bars, and Chains from Time to Time continued or set up upon, across, or by the Side of the Road, or across any Highway or other Carriageway or Bridleway communicating therewith.

Money and Property vested in Trustees.

4. All Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in, the respective Trustees for executing the recited Act, shall, 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 fully and effectually as if the same had been vested in them under the recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees for executing the recited Act were liable, except such as are reduced or extinguished by this Act.

Officers continued.

5. The Clerk, Treasurer, Surveyor, and all other Officers or Servants appointed by the Trustees for executing the recited Act shall hold and enjoy their Offices and Employments, and be termed Officers and Servants of the Trustees for executing this Act, until they shall respectively be removed by the Trustees, and shall have the like Powers and Authorities for the Purposes of this Act, and be

be subject to the like Rules and Regulations, as if they had been appointed under this Act.

Road to which the Act applies.

6. This Act shall be put in execution for the Term herein-after mentioned for the Purpose of improving and keeping in repair the present Turnpike Road leading from *North Shields* to *Newcastle-upon-Tyne*, and in this Act referred to as the "Road."

Trustees.

7. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Northumberland*, together with *Thomas Barker*, *John Coppin*, *Thomas Hedley*, *James Kirkley*, *Henry Liddell*, *Matthew Liddell*, *Anthony Nichol*, *Thomas Eustace Smith*, *John Straker*, *Solomon Mease*, *Cuthbert Umfreville Laws*, *William Hall Atkinson*, *Alexander Bartleman*, *John Richardson Procter*, *Thomas Carr Lietch*, *John Fenwick*, *James Hylton de Cardonnel Lawson*, *John Popplewell*, *John Anderson*, *Richard Cail*, *John Taylor*, *John Anthony Woods*, *Matthew Charles Woods*, *Addison Potter*, *John Fogg Elliott*, *William Lloyd Wharton*, *Ralph Dodds*, *Matthew Bell*, *James Hodgson*, *James Hartley*, *John Dryden*, *John Hodgson Hinde*, *Edward Potter*, and *Joseph Straker* (of *Benwell*), 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. The Trustees may at any Meeting elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole at any One Time, to be Trustees for executing this Act in addition to the Trustees hereby appointed, 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 Guildhall in *Newcastle-upon-Tyne*, or at some other convenient Place in *Newcastle-upon-Tyne*, on the First *Monday* in the Month of *November* One thousand eight hundred and sixty-four, or as soon after as conveniently may be, and proceed to the Execution of this Act, and the Trustees may from Time to Time adjourn themselves to meet at such Time and at such Place in the Neighbourhood of the Road as they shall think proper, and Two Trustees shall be sufficient for the Purpose of Adjournment only.

Respecting Toll Gates.

10. Subject to the Provisions contained in this Act, the several Toll Gates and Toll Houses now standing or being upon the Road, or on the Sides thereof, shall be continued until removed by an Order of the Trustees, and the Trustees may order and cause to be set up in

in or across the Road, or on the Sides thereof, any Toll Gate and Toll House, and remove the present or any future Toll Gate, as they shall think proper: Provided always, that no Toll Gate shall be removed, erected, or set up upon or across the Road, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Fifth Section of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads.*

9 G. 4. c. 77.

Tolls to be taken.

11. Upon the Commencement of this Act the Trustees may demand and take or cause to be demanded and taken at the several and respective Toll Gates which shall be upon or at the Side of the Road such Tolls or Sums, not exceeding the respective Tolls or Sums herein-after mentioned, as the Trustees shall from Time to Time direct; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricle, Chair, Calash, Hearse, Waggon, Wain, Cart, Dray, or other Carriage of any Description, the Sum of Sixpence:

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 a 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 of Draught drawing any Waggon, Wain, Cart, or any such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches and upwards, Fourpence:

Which said respective Tolls shall be paid before any Carriage, Cart, Waggon, or Animal shall be permitted to pass through any Toll Gate.

As to the Fraction of a Halfpenny in Tolls.

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

Limitation of Number of Tolls to be taken.

13. No more than One full Toll shall be demanded or taken for or in respect of the same Horses, Cattle, or Beasts for passing and re-

passing

passing once the whole Length of the Road on the same Day, and no more than Three full Tolls shall be taken for the same Horses, Cattle, or Beasts on the same Day.

As to Tolls on Carts passing only Two Miles on Road.

14. Provided always, That not more than Three Fourths of the Toll shall be taken in respect of any Horse or other Beast drawing any Cart passing in the same Direction for a Distance not exceeding Two Miles on the Road.

Tolls payable more than once a Day.

15. Provided, That in the following Cases the Tolls shall be payable for every Time of passing and repassing during the same Day; (that is to say,)

Where the same Beast draws a different laden Carriage, Cart, or Waggon from the Carriage, Cart, or Waggon which it drew when the Toll was paid before on the same Day:

Where the Carriage, Cart, or Waggon is a Stage Coach, Omnibus, Van, Caravan, Stage Waggon, or other Stage Carriage or Stage Cart, or is a Carriage, Cart, or Waggon carrying Passengers or Articles for Hire or Pay; but no additional Toll shall be payable on account only of the Horses drawing such Carriage, Cart, or Waggon having been changed:

And in the following Case the Tolls shall be payable for every Time of passing and repassing during the same Day under a new Hiring; (that is to say,)

Where the Carriage is a Postchaise, Gig, or other Carriage let out for Hire or Pay.

Application of Monies.

16. All Monies which shall be in the Hands of the Trustees at the Time of the Commencement of this Act, or which shall come to their Hands from the Tolls by this Act authorized to be taken, shall be applied as follows; (that is to say,)

First, in paying the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing of this Act:

Secondly, in paying the Salaries of Officers, and in defraying the necessary Expenses of repairing, altering, and lighting Toll Gates, and the necessary Expenses of Management of the Trust, but those Expenses together shall not exceed Twenty-five Pounds a Year, exclusive of the Salaries of Toll Collectors, and Expenses of removing and erecting Toll Gates, and Expenses with respect to Actions at Law, Indictments, or Proceedings before Magistrates:

Thirdly, in paying Interest at the Rate of Two Pounds and Ten Shillings *per Centum per Annum* upon the several Principal Sums specified in the First Schedule to this Act annexed, or upon so much thereof as is from Time to Time owing in respect of Monies borrowed on the Credit of the Tolls, but no such

Interest shall be paid or accrue until the Costs of applying for, obtaining, and passing this Act are first paid:

Fourthly, in paying the Expenses of maintaining and keeping in repair the Road, not exceeding the Sum of One hundred and seventy Pounds *per Annum*:

Fifthly, in paying off the Principal Sums specified in the First Schedule to this Act annexed in manner herein-after provided:

Sixthly, in paying off the Floating Debts specified in the Second Schedule to this Act annexed, without any Interest thereon:

Seventhly, in further repairing, maintaining, and improving the Road.

Tolls to be reduced when Debt paid off.

17. When and so soon as the Principal Sums specified in the Schedules to this Act annexed shall have been discharged, the Trustees shall and they are hereby required to make a rateable Deduction in the Amount of the respective Tolls demanded and taken by the Trustees at the respective Toll Gates which shall be upon or at the Side of the Road; and it shall be lawful for the Trustees from Time to Time to raise and again to reduce such respective Tolls, so that such Sums of Money only may be received from the Tolls as will in the Judgment of the Trustees be sufficient for the Purposes of this Act after the Principal Sums of Money specified in the Schedules to this Act, and the Interest thereon, shall have been discharged.

24 & 25 Vict. c. 70. to apply.

18. The Provisions of the Locomotive Act, 1861, with reference to Tolls and otherwise, shall apply to this Act.

Mortgagee to take possession for Arrears of Interest only.

19. Whenever and so long as the Interest at the Rate by this Act authorized on the Mortgage Debts specified in the First Schedule to this Act annexed is duly paid within Six Months after the same becomes due, no Mortgagee of the Tolls shall enter into possession of the Toll Gates, or into the Receipt of the Tolls, or of the Rent payable upon any letting of the Tolls, until Twenty-eight Days after Demand in Writing made by the Mortgagee on the Clerk to the Trustees for the Payment of the Interest, and Default made in Payment accordingly; and if any Mortgagee of the Tolls enter into possession or receipt he shall pay the Interest from Time to Time due and payable on all the Mortgages of the Tolls without any Preference, and may reimburse himself his lawful Costs; and the Mortgagee so in possession or receipt shall within Twenty-one Days after every Thirty-first Day of *December* render to the Clerk to the Trustees a full and true Account of his Receipts and Expenditure while in possession or receipt, with proper Vouchers, and if it appear by any such Account that the Interest due on his Mortgage up to the then last Thirty-first Day of *December* and all such Costs are fully paid, then the Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the

the Balance (if any) in his Hands, and deliver up the Possession and Receipt to the Trustees, or to any Person appointed by them to receive the same.

Mode of discharging Debt.

20. Whenever the Money applicable to the Discharge of the Principal Sums owing on the Mortgage Debts amounts to Two hundred Pounds, the Trustees shall at any Meeting apply the Money in Payment, as by this Act provided, of a proportionate Part of the Mortgage Debts to the Persons entitled thereto, and shall, Twenty-eight Days at least before the Meeting, give Notice of the Meeting, and of the Purposes thereof, so far as the same relate to the Application of the Money, by Letter sent by Post to every Mortgagee directed to his then usual or last known Place of Abode, and at the Meeting of the Trustees shall apply the Money, or, as the Case requires, a Portion thereof, in or towards the Discharge of the Mortgage Debt owing to the Mortgagee who, by Writing transmitted to the Clerk to the Trustees before the Meeting, shall have offered to accept the lowest Composition in respect of his Debt, and after Payment to him shall apply the Surplus (if any) of the Money, or, as the Case requires, a Portion thereof, in or towards the Discharge of the Mortgage Debt owing to the Mortgagee who in like Manner shall have offered to accept the next lowest Composition in respect of his Debt, and so in like Manner until the Money so applicable is exhausted; and whenever Two or more Mortgagees offer to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between them, or may pay the Composition equally between them; and if there be no such Offer, or where there is any Surplus of the Money so applicable after applying the same so far as is necessary in or towards the Discharge of the Mortgage Debts to which the Offers relate, the Trustees shall apply the Money applicable, or, as the Case may be, the Surplus thereof, rateably among the Mortgagees, or, if the Trustees think fit, shall pay the same to such of them as the Trustees determine by Lot, and the Mortgagees respectively shall receive the same accordingly; and so soon as the Mortgage Debts specified in the First Schedule shall have been discharged, a like Course shall be pursued with respect to the Discharge of the Debts specified in the Second Schedule.

No Money to be laid out, &c. in Tynemouth.

21. Subject to the Provisions of this Act, no Money shall be laid out and no Toll shall be collected on any Portion of the Road within the Limits of the Borough of *Tynemouth*.

Road repaired and Toll collected at Percy Main Gate.

22. For Two Years from the First Day of *November* next after the passing of this Act Tolls shall be collected at the *Percy Main* Toll Gate and *Shields* Branch Gate, and the Road and Branch Road to *Shields*

Shields from a Point One hundred Yards East of the *Percy Main* Toll Gate on the said Road and Branch Road to the Western Extremity of the Limits of the Borough of *Tynemouth* shall be repaired and maintained out of the Monies of the Trustees.

Sale of Toll Houses and Property.

23. The Trustees shall, within Three Months after the Commencement of this Act, pull down the Toll Houses on the Road and Branches within the Limits of the Borough of *Tynemouth*, save the *Percy Main* Toll House, and within Three Months after the First Day of *November* One thousand eight hundred and sixty-six pull down the *Percy Main* Toll House, and shall sell and dispose of the Materials of the same Toll Houses respectively, and other Property belonging to and vested in them, as such Trustees connected with such Toll Houses respectively as they may think proper.

Application of Monies arising from Sale.

24. The Monies arising from the Sale of such Materials and Property shall be applicable to the Purposes of this Act.

Entrances to Fields to be made with hard Materials.

25. In all Places throughout the Road where any Entrance shall be from the Road to any Field, Garden, Yard, or other Land or Ground, or to any Building from the Road, or any Part thereof, such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made by or at the Expense of the Proprietor or Occupier of such Field, Garden, Yard, Land, Ground, or Building, so that the Road may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Proprietor or Occupiers shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order for the Space of Ten Days after Notice in Writing given to such Proprietor or Occupier, or left for him or her at his or her usual Place of Residence by the Surveyor of the Trustees, or other Person appointed by them, requiring such Proprietor or Occupier so to make or repair the same, then it shall be lawful for the Trustees or their Surveyor, or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, and other hard Materials, and to make such Culvert or Drain, or to repair the same respectively, as the Case may be, and the Expenses thereof shall be reimbursed and paid to the Trustees by such Proprietor or Occupier, as the Case may be; and in case of Non-payment of such Expenses within Ten Days after the same shall have been demanded by or on behalf of the Trustees, then such Expenses shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Proprietor or Occupier, by Warrant under the Hand and Seal of any Justice of the Peace having Jurisdiction in the Matter, and such Warrant of Distress any such Justice is hereby authorized and empowered.

empowered to grant on Proof made before him on Oath of such Expense having been incurred and of such Notice having been given as aforesaid.

Saving Rights of Coal Owners using Waggon Ways.

26. Nothing in this Act contained shall extend or be construed to extend to prevent the Owners or Occupiers of any Colliery or Collieries from laying a Waggon Way or Ways along or across any Part of the Road, or from using the same, or any Waggon Way or Ways already laid along or across the same, but such Owners and Occupiers of such Collieries as aforesaid shall and may have the same Liberty to make, repair, and use such Waggon Way and Waggon Ways in, along, or across the Road as they or any of them could or might have had in case this Act had not been passed: Provided also, that the Ledge or Flanch of such Waggon Way and Waggon Ways to be laid along or across any Part of the Road for the Purposes of guiding the Wheels of the Carriages shall not exceed Three Quarters of an Inch in Height above the Level of such Road.

Road not exempt from General Acts.

27. Nothing herein contained shall be deemed to exempt the Road from the Provisions of any General Act relating to the Consolidation or other improved Management of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

28. This Act shall commence 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 FIRST SCHEDULE referred to in the foregoing Act.

Names of Creditors.	Amount of Principal.		
	£	s.	d.
George Leeman and James Hodgson - - - -	3,470	0	0
James Pulleine and George Leeman - - - -	3,200	0	0
George Leeman - - - - - - - -	367	0	0
	7,037	0	0
Less paid off - - - - -	195	19	11
£	6,841	0	1

The SECOND SCHEDULE referred to in the foregoing Act.

Names of Creditors.	Amount of Purchase Money of Land.		
	£	s.	d.
Devisees of James Atkinson, Esquire - - - -	937	15	10
James Hylton de Cardonnel Lawson, Esquire - - -	401	5	0

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