ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxxv.

An Act for more effectually repairing the Road leading from *North Shields* to *Morpeth Castle*, and several Branches of Road communicating therewith, all in the County of *Northumberland*.

[17th *June* 1852.]

WHEREAS an Act was passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from the Turnpike Road between* North Shields *and* Newcastle-upon-Tyne *to* Morpeth Castle, *and for making and maintaining Three several Branches of Road to communicate therewith, all lying in the Counties of* Northumberland *and* Durham: And whereas the said Road and Branches have been completed, and the same are now situated wholly in the County of *Northumberland*, by virtue of the Act passed in the Seventh and Eighth Years of Her present Majesty, intituled *An Act to annex detached Parts of Counties to the Counties in which they are situated:* And whereas the Term granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-two: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, and such Money cannot be paid off unless further Powers are granted and the Term of the said Act further

54 G. 3. c. 29.

7 & 8 Vict. c. 61.

further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

First-recited Act repealed, and this Act to be put in force.

I. That upon the Commencement of this Act the said recited Act of the Fifty-fourth Year of the Reign of His Majesty King *George* the Third shall be repealed, and this Act shall thereafter be put into execution instead thereof, during the Term and for the Purposes hereafter mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Shields and Morpeth* Turnpike Road Act, 1852."

Monies, &c. vested in Trustees under first-recited Act to vest in new Trustees.

III. That all Rents, Arrears of Toll, and other Monies due to, and all Lands, Property, and all 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 hold and enjoy, sue for, and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said Act hereby repealed.

New Term and Tolls liable to former Debts.

IV. That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies now due and owing or secured upon or made payable out of the Tolls authorized to be taken by virtue of the recited Act hereby repealed (save and except such of the same Debts as are by this Act virtually extinguished) as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed on the Credit of the Tolls by this Act authorized to be taken; and the said Monies shall not remain and be separate Charges upon the Tolls arising upon the several Roads upon which the same were severally and separately chargeable and charged before the passing of this Act, but shall from and after the Commencement of this Act become a Charge upon the Tolls arising on the whole of the Roads by this Act authorized to be repaired.

Former Books to be Evidence.

V. That all Books of Proceedings which have been kept by the Trustees acting in the Execution of the Act hereby repealed, or by their Clerks under their Direction, according to the Provisions of such Act, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

VI. That

Appointment of Trustees.

VI. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Northumberland*, together with *Robert Airey*, *Henry Robert Baker Cresswell*, *Ralph Bates*, *Alexander Bartleman*, *William Wharton Burdon*, the Reverend *Richard Croft*, *Anthony Charlton*, *William Crighton*, *Alexander Crighton*, *George Cruddas*, *Robert Coull*, *Edwin Crighton*, *John Davison*, *John Dale*, *John Dryden*, *Cuthbert Ellison*, *Nathaniel Ellison*, *Peregrine George Ellison*, the Reverend *Ralph Errington*, *Thomas Fenwick*, *Richard Fenwick*, the Reverend *Thomas Finch*, the Honourable and Reverend *Francis Richard Grey*, the Reverend *Henry Hopwood*, *Robert Hawdon*, the Reverend *Thomas Ilderton*, *Christopher Jobson*, *George Kewney*, *William John Lawson*, *Edward Lawson*, *Thomas Carr Lietch*, *William Smith Longridge*, *James Atkinson Longridge*, *Henry Mitcalf*, *John Moor*, *George Marshall*, *William Ord*, *Charles Otter*, *Joseph Ogilvie*, *George Thomas Railston*, the Reverend *Christopher Reed*, *Thomas George Smith*, *Thomas Smith*, the Reverend *Thomas Richard Shipperdson*, *Thomas Swan*, *Joseph Snowball*, *George Waugh Stable*, *Hugh Taylor*, *John Tinley*, *William Trotter*, the Reverend *Henry Warkman*, *William Clark Wright*, *William Watson*, *William Winship*, *Nicholas Wright*, *Stephen Wilkinson*, *William Woodman*, and *Emanuel Young*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VII. That it shall be lawful for the said Trustees from Time to Time, 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.

Meetings of Trustees.

VIII. That the said Trustees shall hold their First Meeting at the "*Queen's Head*" Inn in *Morpeth* in the County of *Northumberland*, or at some other convenient Place in the Neighbourhood of the said Road, at Noon on the First *Wednesday* next after the Commencement of this Act, and shall then, and from Time to Time thereafter, adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

Power to appoint Committees.

IX. That the 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 Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting, and such Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

X. That

Roads to which this Act is applicable.

X. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road commencing at *Tynemouth* Church and terminating at *Morpeth Castle*, and the present Turnpike Road from the *Far Stob Hill* to the *Stakeford* on the River *Wansbeck*, and the present Turnpike Road from *South Blyth* to the first-mentioned Turnpike Road at *Horton*, in the Parochial Chapelry of *Horton*, and the present Turnpike Road from the first-mentioned Turnpike Road at *Plessey Checks* to the West End of a Lane called the *Fisher Lane*, all in the County of *Northumberland*, but subject to the Provisions herein contained with respect to that Part of the Road within the Borough of *Tynemouth* which is now under the Jurisdiction of the Local Board of Health of the said Borough.

Present Tolls continued for a Term.

XI. That, notwithstanding the Repeal of the said 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 Expiration of Fourteen Days next after the First Meeting of the Trustees.

Power to take new Tolls.

XII. That upon and after the Expiration of Fourteen Days next after the First Meeting of the Trustees it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Road, such Tolls as the Trustees at any of their Meetings shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Carriage of whatever Description, the Sum of Sixpence; and for every Dog drawing any Carriage, the Sum of One Penny:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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, Sheep, Lambs, or Swine, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number:

For every Carriage not drawn by any Horse or Beast of Draught, but propelled by Machinery, the Sum of One Shilling in respect of each Wheel of such Carriage:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever, shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

XIII. That

As to the Fraction of a Halfpenny in Tolls.

XIII. That 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.

Only Two Tolls to be payable on the Roads.

XIV. That (except in the Cases herein-after mentioned) no more than Two full Tolls shall be taken for passing and repassing any Number of Times in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), with the same Horses, Beasts, Cattle, or other Animal or Thing, liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Road.

Persons having paid Tolls to return Toll-free.

XV. That all Horses and Cattle (except as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Gates on the said Road or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing through the same Toll Gate, and in going and returning, passing and repassing through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Respecting Toll Gates.

XVI. That 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 any Order of the Trustees; and the Trustees may order and cause to be set up, in, upon, or across the said Road or on the Sides thereof, any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House: Provided always, that no such Toll Gate or Toll House shall be so removed, erected, or set up, 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 Public General Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven.

Postchaises, &c. to pay on fresh Hiring.

XVII. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, whether laden or unladen, and for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll had been made in respect of such Horses, Animals, or Cattle on the same Day.

Regulations as to Stage Coaches.

XVIII. That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gates, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gates which such

Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Tolls shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gates the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

As to the Amount of Principal Debt.

XIX. And whereas there is due and owing on the Credit of the Tolls authorized to be taken by the recited Act hereby repealed the Principal Sum of Six thousand six hundred and ten Pounds, exclusive of all Arrears of Interest thereon: Be it enacted, That from and after the passing of this Act the said Sum of Six thousand six hundred and ten Pounds shall be deemed and taken to be the total Sum due and owing on the Credit of the Tolls authorized to be taken on the said Road, and all Arrears of Interest thereon shall be and are hereby extinguished, and all Interest thereon shall cease.

Application of Monies.

XX. That all Monies which shall come to the Hands of the said Trustees by virtue of this Act shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in defraying the Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, and of managing the said Road, not exceeding Ninety Pounds *per Annum*:

Thirdly, in repairing, maintaining, and improving the said Road, not exceeding the Sum of Six hundred and thirty Pounds *per Annum*:

Fourthly, in reducing, paying off, and discharging, as herein-after provided, the said Principal Sum of Six thousand six hundred and ten Pounds, or such Part thereof as shall for the Time being remain due and owing:

Fifthly, in further repairing, maintaining, and improving the said Road.

As to Mode of discharging Debt.

XXI. That when so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing 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 Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the County of *Northumberland*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining Town or County; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards

towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Monies owing on the Security of the said Tolls to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

For Payment of Monies for which a valid Discharge cannot be given.

XXII. That in case any Person who shall be entitled to any Debt owing on the Credit of the Tolls on the said Road cannot be found, or is not known, or in case a valid Discharge for any Money payable in respect of any such Debt cannot be given to the Trustees, then and in every such Case it shall be lawful for the Trustees, if they shall think fit, from Time to Time, with the Privity of the Accountant General of the High Court of Chancery, to pay any Money amounting to or exceeding the Sum of Fifty Pounds which shall be payable in respect of any such Debt into the Bank of *England*, to the Account of such Accountant General in the Matter of the "*Shields and Morpeth* Turnpike Trust" and the Person to whom such Money belongs (describing such Person as he is described in the Register or Books of the said Road, or otherwise as accurately as Circumstances may admit), on trust to attend the Orders of the said Court; and it shall be lawful for the said Court from Time to Time to make such Orders for the Payment of such Money to the Party entitled thereto, or otherwise, as to such Court shall seem proper; and all the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for better securing Trust Funds, and for the Relief of Trustees*, whether with respect to the Mode of applying for the Order of the said Court, or otherwise howsoever, shall be applicable to all Monies paid into the said Bank pursuant to this Act; and all Monies so paid into the said Bank pursuant to the Provisions of this

10 & 11 Vict. c. 96.

Act

Act shall, as and from the Time of such Payment, and for the Purposes of this Act, be considered as paid off and discharged by the Trustees.

No more Money to be borrowed.

XXIII. That no more Money shall be borrowed upon the Credit of the Tolls by this Act authorized to be taken.

No Tolls to be taken or Money laid out in Towns.

XXIV. That no Money shall be laid out on any Road comprised in this Act within the Limits of the Borough of *Tynemouth*, or of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein, nor shall the Trustees exercise any Control or Jurisdiction over the said Part of the Road in the said Borough of *Tynemouth*.

Trustees or Clerk to be competent Witness.

XXV. That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence or shall be disqualified from giving Evidence in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or other Proceeding.

Road not exempted from Provisions of future General Acts.

XXVI. That nothing herein contained shall be deemed to exempt the said Road 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.

XXVII. That this Act shall commence on the Thirty-first Day of *October* 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.

Interpretation of Terms.

XXVIII. That 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 Constructions; (that is to say,)

The Word "Person" shall be understood to include "Corporation:"

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Expression "the Road" or "the said Road" shall mean the several Roads to which this Act is applicable:

The Words "Toll Gates" or "Toll Gate" shall include Turnpikes, Bars, and Chains.

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