ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. xxxix.

An Act to authorize the making of a Turnpike Road from the Township of *Thornaby* to *Middlesbrough* in the North Riding of the County of *York*, with a Bridge over a Creek or Arm of the River *Tees*, and for other Purposes.

[23d. *June* 1856.]

WHEREAS the Construction of a Turnpike Road from the Highway from *Stockton* to *Guisbrough*, near a Place called *Bonlea Farm* in the Township of *Thornaby* in the Parish of *Thornaby* or *Stainton* in the North Riding of the County of *York*, to the Borough of *Middlesbrough*, in the said North Riding, with a Bridge or Viaduct in the Line of the said intended Road over a Creek or Arm of the River *Tees*, formerly Part of the said River, would be a great public Advantage; but the same 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 so say,)

The Stockton and Middlesbrough Road Act, 1856.

Short Title.

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Stockton and Middlesbrough* Road Act, 1856."

Interpretation of Terms.

II. 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 Construction; (that is to say,)

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

The Expression "Toll Gate" shall include Turnpikes, Bars, Chains, and Side Gates, either on the said Road or Bridge or the Sides thereof:

The Expression "the Road" shall comprise the Road, Bridge, or Viaduct and Embankment to be made and maintained under the Powers of this Act:

The Word "Person" shall include Corporation:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments of any Tenure.

General Turnpike Acts to apply to Bridge authorized by this Act.

III. That all the Clauses and Provisions of every Public General Act relating to Turnpike Roads in *England* applicable to the Road by this Act authorized shall also extend and apply to the Bridge or Viaduct by this Act authorized, unless there be something in the Subject or Context repugnant to such Extension and Application.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Durham*, and all Her Majesty's Justices of the Peace for the Time being acting for the North Riding of the County of *York*, together with *William Benington*, *Calverly Bewicke Bewicke*, *Calverley Bewicke*, *Henry William Ferdinand Bolckow*, *Matthew Bowser*, *Samuel Braithwaite*, *George Brown*, *Joshua Byers*, *Thomas Close*, *Robert Craggs*, *Christopher Dobson*, *Thomas Hill Dobson*, *James Dugdale*, *Thomas Hart Dyke*, *Joseph Dodds*, *Thomas Light Elwon*, *Robert Elliott*, *James Emerson*, *William Fallows*, *Robinson Fowler*, *William Graham* the younger, *Thomas Garbutt* the younger, *Edgar Gilkes*, *John Grey*, *William Scurfield Grey*, *Anthony Harris*, *James Harris*, *Richard Thomas Hall*, *John Hogg*, *William Randolph Innes Hopkins*, *Thomas Hutchinson*, *Richard Hustler*, *William Ward Jackson* Clerk, *Richard Jackson*, *Thomas Corlett Jackson*, *Richard Headlam Keenlyside*, *Charles Albert Leatham*, the Mayor of *Middlesbrough* for the Time being, *Henry Maltby* Clerk, *Thomas Meynell*, *James Milner* Clerk, *Thomas Mills*, *William Crawford Newby*, *Thomas Newsam*, *Richard Ord* the younger, *Joseph Parrington*, *John Pease*, *Joseph Pease*, *Henry Pease*, *Joseph Whitwell Pease*, the Honourable

The Stockton and Middlesbrough Road Act, 1856.

Honourable *Gustavus Russell Hamilton Russell*, *William Richardson*, *John Richardson* Surgeon, *John Robinson*, *Thomas Richnond*, *George Hutchinson Swain*, *William Skinner*, *George Skinner*, the Mayor of *Stockton* for the Time being, *John Stapylton Sutton*, *Robert Thompson*, *Henry Thompson*, *William Turnbull*, *John Vaughan*, *Richard Walker*, *Robinson Watson*, *Thomas Wren*, *John Hansell Wren*, *Joseph Radcliffe Wilson*, *Isaac Wilson*, 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.

V. That the Trustees may from Time to Time, at any Meeting under this Act, 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 the Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby nominated.

Meetings of Trustees.

VI. That the Trustees shall hold their First Meeting at the Town House in the Borough of *Stockton* in the County of *Durham* on the First *Thursday* next after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three 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 Borough of *Stockton* or in the Borough of *Middlesbrough*, or elsewhere in the Neighbourhood of the said Road, as they shall think proper, or as shall be fixed and agreed upon at the last preceding Meeting of the Trustees.

Description of Works.

VII. That the Works by this Act authorized to be made shall be the following Works; (that is to say,)

A Road of not less than Thirty-six Feet in Width, including the Footpath, to commence by a Junction with and to branch out on the Northern or North-eastern Side of the public Highway leading from the Town of *Stockton* in the County of *Durham* to the Town of *Guisbrough* in the County of *York*, near a Farm called *Bonlea Farm* in the Township of *Thornaby* in the Parish of *Thornaby* or *Stainton* in the North Riding of the said County of *York*, at a Point Six hundred and nine Yards or thereabouts in an Easterly Direction from the Place where the said Highway crosses the *Middlesbrough* Branch of the *Stockton and Darlington* Railway, and thence to proceed in a Northern or North-eastern Direction, and to terminate in the Borough of *Middlesbrough* aforesaid by a Junction with the public Highway leading from the Town of *Middlesbrough* aforesaid to *Linthorpe* in the said County of *York*, at a Point Three hundred and fifty-three Yards

or

or thereabouts in a Southerly Direction from the Point at which the said last-mentioned Highway crosses the Dock Branch of the said *Middlesbrough* Branch of the said *Stockton and Darlington* Railway:

A Bridge or Viaduct of not less than Twenty Feet in Width (in the Line and to be Part of the said intended Road), over a Creek or Arm of the River *Tees*, formerly Part of the Course or navigable Channel of the said River, at a Point Three hundred and four Yards or thereabouts in a Southerly or South-easterly Direction from the Point at which the said *Middlesbrough* Branch of the said *Stockton and Darlington* Railway crosses the said Creek or Arm:

And also all necessary Causeways and Footpaths upon or by the Side or Sides of the said intended Road or Bridge or Viaduct, Toll Houses, Toll Gates, and other proper Works and Conveniences connected with the said Road and Bridge or Viaduct, and the Approaches thereto.

Works to be executed according to deposited Plans.

VIII. And whereas Plans and Sections describing the Line and Levels of the said intended Road and Bridge or Viaduct, and the Lands through which the same are to be made, together with Books of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the North Riding of the County of *York* at his Office in *Northallerton* in the said North Riding, and also with the Clerk of the Peace for the County of *Durham* at his Office in the City of *Durham*: Be it therefore enacted, That it shall be lawful for the Trustees to make and maintain the said intended Road and Bridge or Viaduct respectively as hereinbefore described, in the Line and in and through the Lands delineated on the Plans and described in the said Books of Reference so deposited as aforesaid, and according to the Levels shown upon the Sections so deposited as aforesaid, together with all such Causeways, Footpaths, Bridges, Embankments, Cuts, Ditches, Drains, Fences, Diversions of Water, Toll Gates, Toll Houses, and other necessary Works and Conveniences connected therewith or for the Purposes thereof as they may think requisite, and for all or any of the Purposes aforesaid to take possession of the Lands and Premises described in such Plans and Books of Reference, making Satisfaction to the Owners thereof and other Persons interested therein for all such Lands and for all Damage which such Owners or other Persons may respectively sustain by such Works; and it shall be lawful for the Trustees, their Surveyor and Workmen, from Time to Time to enter upon the said Lands, and to mark and stake out the same, and to do any other Work necessary for the Purposes of this Act, at such Times and in such Manner as the Trustees or their Surveyor shall think necessary or expedient.

IX. That

Power of Deviation.

IX. That the Trustees may, in the Construction of the Works by this Act authorized, deviate laterally from the Line thereof to the Extent delineated upon the said Plans, but not to any greater Extent than One hundred Yards from the said Line, nor in any Case into any Lands not described in the Plans of such Work so deposited as aforesaid, or in the said Books of Reference thereto, without the Consent in Writing of the Owner and Occupier of such Lands.

Conditions to be observed in constructing Roads through Lands of T. Hustler.

X. That in constructing the said Road through the Lands of *Thomas Hustler* Esquire, numbered as herein-after mentioned on the said deposited Plans of the said Road in the Parish of *Middlesbrough*, the following Conditions shall be observed:

The Road through the Field numbered 28 shall be constructed on an open Viaduct, or with other sufficient Openings, to allow as far as may be of free Communication between the Northern and Southern Parts of the same Field, and of the free Passage of Flood Waters:

The Road between the said Field numbered 28 and the Field numbered 34 shall be constructed at the North End of the Fields numbered 30 and 32, so that the Southern Boundary Fences of the Fields numbered 29 and 31 shall become the Northern Boundary Fence of the said Road:

That the Road between the Field numbered 46 and the South-west Corner of the Field numbered 58 shall be formed in a straight Line, so as to interfere as little as may be with the Field numbered 52:

That the Road shall not be diverted so as to interfere with the Field numbered 41 further than may be absolutely necessary, but shall be kept as far as possible on the North Side of the Fence of such Field.

Power to deviate from Levels, with Consent.

XI. That the Trustees may deviate from the Levels of the said Works as marked on the Sections so deposited as aforesaid, to any Extent not exceeding Three Feet, or upon obtaining the Consent in Writing of the Owner and Occupier of the Land in which such Deviation is intended to be made to any greater Extent than Three Feet: Provided, that any such Deviation made with the Consent of such Owner and Occupier be made only for the Purpose of improving the Gradients of the said Road.

Lands may be taken notwithstanding Errors in Books of Reference, &c.

XII. That the Works by this Act authorized may be made in or through any Lands delineated on the said Plans so deposited as aforesaid, although such Lands, or the Situations thereof, or the Names of the Owners, Lessees, or Occupiers thereof may happen to be misstated or erroneously described or omitted in those Plans or in the Books of Reference thereto, in case it shall appear to any Two or more

Justices of the Peace for the Riding or County in which the same shall be situate in Petty Sessions assembled, and be certified in Writing under their Hands, that such Mis-statement or erroneous Description or Omission proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of such Riding or County for the Time being, with the original Plans and Books of Reference to which such Certificate refers.

8 & 9 Vict. c. 18. not to apply to this Act.

XIII. That "The Lands Clauses Consolidation Act, 1845," shall not apply to the Works by this Act authorized, nor be incorporated with this Act.

Plans to be submitted to Admiralty before commencing Bridge over the River Tees.

XIV. That previously to commencing the Bridge over the Creek or Arm of the River *Tees*, or the Works connected therewith, the Trustees shall deposit at the Admiralty Office, Plans, Sections, and Working Drawings of the said Bridge and Works connected therewith for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridge and Works shall be constructed only in accordance with such Approval; and when any such Bridge shall have been commenced or constructed it shall not be lawful for the Trustees at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Bridge shall be commenced or completed, or be altered, extended, or constructed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Trustees, and the Amount thereof shall be a Debt due from the Trustees to the Crown, and be recoverable accordingly with Costs of Suit.

Existing Road from from Newport to Middlesbrough to be shut up and discontinued.

XV. That upon and from the Formation and Opening of the Road hereby authorized from or from near to the Hamlet of *Newport* to the said Highway leading from the Borough of *Middlesbrough* to *Linthorpe*, the present Occupation Road or public Bridle Road and Footpath leading from or from near to the said Hamlet to the said Highway from *Middlesbrough* to *Linthorpe* aforesaid, and for which such new Line of Road will be a convenient Substitute, shall be discontinued, and all Rights of Way and Passage over and Liabilities to repair the same shall cease and determine.

As to Construction of certain Pro-

XVI. That all the Clauses and Provisions of the Public General Acts now in force relating to Turnpike Roads in *England* with respect

respect to the taking, Purchase, and Sale of Lands, for the Purpose of widening, diverting, altering, or improving any Road, the Conveyances of such Lands, the Compensation to be made for the same, and the making out of Titles thereto, shall (except where those Clauses and Provisions are expressly varied by this Act) extend and apply to the Lands to be purchased for the Purposes of this Act; but nothing in those Acts or any of them contained shall prevent the Trustees from taking or pulling down any Dwelling House or Building, or taking in or making use of any Garden, Yard, Paddock, Park, planted Walk or Avenue to a House, or any enclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, which is delineated on the Plans so deposited as aforesaid, and described in the said Books of Reference, either with or without the Consent in Writing of the Owners, Proprietors, or other Persons interested therein. Provisions of General Turnpike Acts.

XVII. That the Freehold and Inheritance in the Lands so purchased shall not (notwithstanding any Provision in any of the Acts now in force for regulating Turnpike Roads in *England*), by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the Trustees; but such Freehold and Inheritance shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Owners for the Time being of the adjoining Land from which the same shall have been taken, subject to a perpetual Right of Way in, over, or upon the Lands so purchased. Freehold, &c. of Land to remain in Owners of adjoining Lands.

XVIII. That the Trustees shall have the same Rights and Powers of cutting, digging, and using the Lands taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Arch or Arches thereon, as they would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Lands. Trustees to have Power of digging and using Lands, &c.

XIX. That the Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of the Works by this Act authorized and shown on the said Plans shall not be exercised after the Expiration of Three Years from the Commencement of this Act. Powers for compulsory Purchases limited.

XX. That the Works by this Act authorized may be completed within Five Years from the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given for executing the same shall cease to be exercised. Period for Completion of Works.

XXI. That the Trustees shall make and plant proper Quickset Hedges, or shall make or build proper Fences or Walls on both Sides of the Road, with sufficient Ditches to the same, and sufficient Posts and Trustees to fence Road, and provide Gates, &c.

and Rails or other Fence on both Sides of such Quickset Hedges to protect the Growth thereof, so as effectually to guard and fence off the Lands adjoining the Road from Trespass or Injury by Horses, Asses, Cattle, Sheep, or Swine, and also proper Gates, Stiles, Posts, Bridges, and Arches, where necessary, out of the Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Ten Years from the Time that such Fences shall have been made or set up, unless the Owners or Proprietors for the Time being of any such Land or Ground shall agree with the Trustees to keep such Fences in repair from an earlier Period for such Time as aforesaid: Provided always, that the Owner for the Time being of any Land adjoining the Road, and all Persons authorized by such Owner, shall have free and uninterrupted Access from such adjoining Land to such Part of the Road as lies contiguous thereto, not only through the Gates or Stiles, to be provided as herein-before mentioned, but at any other Place or Places except where a Turnpike or Toll House shall be erected, and for that Purpose may remove or take down all or any Part of any Fences or Walls which may have been made or built by the Trustees, without incurring or being liable to any Penalty, Prosecution, or other Proceeding whatsoever, anything in the 3rd Geo. 4th, Cap. 126, Secs. 60 and 121, or the 4th Geo. 4th, Cap. 95, Sec. 72, to the contrary notwithstanding: Provided nevertheless, that upon any such Removal or taking down as last aforesaid the said Trustees shall be exonerated and discharged from all further Liability to repair or keep up any Fences or Walls at the Places where the same have been so removed or taken down, and that the Owner who shall have taken down or removed the same shall thenceforth be answerable or accountable for all Loss or Damage which may happen or be sustained by reason or on account thereof.

Trustees to erect a Screen on certain Part of the Road, if certified by Justices to be necessary.

XXII. That if the Surveyors of the Highways of the Township of *Linthorpe* apprehend Danger to the Passengers using the Road in consequence of Horses being frightened by the Sight of the Engines or Carriages travelling upon the *Middlesbrough* Branch of the *Stockton and Darlington* Railway where the same is within Fifty Yards of the Road, it shall be lawful for such Surveyors, after giving Fourteen Days Notice to the Clerk to the Trustees, to apply to the Justices of the Peace for the North Riding of the County of *York* in Petty Sessions assembled with respect thereto; and if it shall appear to any Two of such Justices that such Danger might be obviated or lessened by the Construction of any Works in the Nature of a Screen near to or adjoining the Side of the Road, it shall be lawful for them, if they shall think fit, to certify the Works necessary or proper to be executed by the Trustees for the Purpose of obviating or lessening such Danger, and by such Certificate to require the Trustees to execute such Works within

within a certain Time after the Service of such Certificate, to be appointed by the said Justices.

Works to be executed according to such Certificate.

XXIII. That where by any such Certificate as aforesaid the Trustees shall have been required to execute any such Work in the Nature of a Screen, they shall execute and complete the same within the Period appointed for the Purpose in such Certificate.

Trustees to provide for Drainage of Land affected or injured by Formation of Road.

XXIV. That where the Formation of the Road or Works hereby authorized shall in any Manner interfere with or affect the existing Drainage of any Lands lying near or adjacent to the Road, the Trustees shall make and provide all necessary Culverts, Drains, or other Passages, either under or by the Sides of the Road, of such Construction and Dimensions as will be sufficient at all Times to convey the Water as clearly from the Lands lying near or affected by the Road as before the making of the Road, or as nearly so as may be, and such Works shall from Time to Time be proceeded with as the Formation of the Road proceeds.

Land purchased to be used only for forming Road, &c.

XXV. That no Land purchased by the Trustees under this Act shall be used for any other Purpose than the Formation of the Road and Bridge or Viaduct and other Works hereby authorized; and if the Trustees shall have purchased or be possessed of any Piece or Pieces of Ground not wanted for the Purposes of the Road, Bridge, or Viaduct and Works, they may sell or dispose of the same: Provided always, that the Trustees, before they shall sell and dispose of any such Piece or Pieces of Ground not wanted for the Purposes aforesaid to any other Person or Persons, shall first offer the same to the Owner for the Time being of the adjoining Land from which the same shall have been taken at the like Price *per* Acre as the Trustees originally paid for the same; and if such Person or Persons shall then and thereupon refuse to purchase the same, then such Piece or Pieces of Land may be sold and disposed of in manner provided by the 89th Section of the Act of 3rd *George* 4th, Cap. 126.

Land not wanted to be sold, First Offer being made to the original Owner.

Name of Road, and Style of the Trustees.

XXVI. That the Road comprised in this Act shall be called "The *Stockton and Middlesbrough* Turnpike Road," and the Trustees for executing this Act shall be styled "The Trustees of the *Stockton and Middlesbrough* Turnpike Road."

Power to take Tolls.

XXVII. That the Trustees may demand and take at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the Road such Tolls as the Trustees at any of their Meetings may from Time to Time direct, not exceeding the Sums following; (that is to say,)

For every Horse, Ass, or other Beast drawing any Coach, Barouche, Sociable, Berlin, Chariot, Chair, Phæton, Caravan, Omnibus, Gig,

Gig, Taxed Cart, Spring Cart, Spring Waggon, Hearse, Litter, or other such Carriage, Sixpence:

For every Horse or other Beast, except an Ass, drawing any Waggon, Wain, Dray, Cart, or other such Carriage, Fourpence Halfpenny; and for every Ass so drawing, Threepence:

For every Horse, Mule, Ass, Ox, or other Beast, laden or unladen, and not drawing, Twopence:

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

For every Drove of Sheep or Lambs, Fivepence *per* Score, and so in proportion for any greater or less Number:

For every Carriage or Vehicle drawn or propelled by any Power (except Animal Power), the Sum of One Shilling for each Wheel thereof:

And for every Foot Passenger passing over the said Bridge or Viaduct, One Penny:

And the Tolls hereby made payable at any Toll Gate which shall be by virtue of this Act upon or across the Road or Bridge or Viaduct, or on the Sides thereof, shall be taken before any Foot Passenger, Animal, or Carriage whatsoever liable to Toll shall be permitted to pass through the same.

As to the Fraction of a Halfpenny in Tolls.

XXVIII. 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 taken in lieu of such fractional Part.

Not more than One full Toll to be taken on the Road.

XXIX. That no more than One full Toll in the whole shall be payable or paid for passing on the same Day through all the Toll Gates erected or to be erected across or upon the Sides of the said Road for the whole Extent thereof.

As to Tolls to be taken between Newport and Middlesbrough, &c.

XXX. That no more than Half a Toll shall be payable or paid for passing through all the Toll Gates erected or to be erected across or upon the Sides of the said Road between the said Hamlet of *Newport* and the said Highway leading from the Town of *Middlesbrough* to *Linthorpe;* and that no Toll shall be taken between the Creek or Arm of the River *Tees* and the said Highway leading from *Stockton* to *Guisbrough.*

Owners and Occupiers of certain Lands between Newport and Middles-

XXXI. That no Toll shall be demanded or taken at any Toll Gate to be erected across or upon the Sides of the said Road between the Hamlet of *Newport* and the said Highway leading from the Town of *Middlesbrough* to *Linthorpe* from *Thomas Hustler* Esquire, his Heirs or Assigns, Owner or Owners for the Time being of certain Farms, Lands,

Lands, and Tenements belonging to him situate in the Townships of *Acklam*, *Linthorpe*, and *Middlesbrough*, or from his or their Tanants, Lessees, or Occupiers of such Farms, Lands, and Tenements, or any of them: Provided always, that this Exception shall apply only to such Parts of the same Farms, Lands, and Premises as for the Time being shall be used as the same now are, and that as and when such Farms, Lands, and Premises or any Part or Parts thereof are sold or leased, or used for any building, manufacturing, or commercial Purpose whatsoever, the Exemption herein-before contained shall, as to the Part or Parts of such Farms, Lands, and Premises which shall be so sold, leased, or used, cease and determine.

brough exempted from Toll.

XXXII. That if any Person shall in any fraudulent or collusive Manner whatsoever claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on Persons fraudulently taking Benefit of Exemptions.

XXXIII. That in case the Tolls hereby authorized shall have been paid for or in respect of any Animal or Carriage passing through any of the Toll Gates to be erected upon, across, or on the Sides of the said Road, no Toll shall be demanded or taken for or in respect of such Animal or Carriage for returning through the same Toll Gate the same Day, to be computed from Twelve o'Clock at Night to Twelve o'Clock on the succeeding Night, but that every Person, on producing and delivering a Note or Ticket denoting the Payment of such Toll, shall (except as herein-after mentioned) be permitted to return through such Toll Gate on the same Day with such Animal or Carriage Toll-free: Provided, that if any Animal in returning be drawing any Carriage in respect of the drawing of which a higher Rate of Toll would be payable than was paid for such Animal on first passing through the said Toll Gate, the Difference of Toll between that paid on first passing and that payable on returning the First Time shall be paid.

No Tolls to be paid on returning on the same Day.

Proviso.

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

Horses, &c. drawing different Waggons, &c. to pay each Time of passing.

XXXV. That the Tolls hereby made payable for and in respect of Horses, Asses, or Beasts drawing any Stage Coach, Diligence, Omnibus,

Stage Coaches, &c. each Time of passing.

Omnibus, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Postchaises, &c. on every new Hiring.

XXXVI. That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Postchaise 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.

Foot Passengers every Time of passing.

XXXVII. That the Toll hereby made payable for or in respect of Foot Passengers passing over the said Bridge or Viaduct shall be payable and paid every Time of passing or repassing over the said Bridge or Viaduct: Provided always, that the Driver of any Cart or other Carriage shall not be liable to Toll as a Foot Passenger.

No Tolls to be collected or expended in repairing Road within Limits of any Act for Improvement of Towns.

Trustees to keep in repair Road in Middlesbrough for Six Months after it is open for Traffic, notwithstanding Provisions of 4 & 5 Vict. c. lxviii., &c.

XXXVIII. That (except as hereafter provided) it shall not be lawful for the said Trustees to collect any Tolls, or to lay out or expend any Money on any Part of the Road comprised in this Act which may be within the Limits of any Act of Parliament passed for the Improvement of any Town: Provided always, that notwithstanding anything in an Act passed in the Session of Parliament held in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of* Middlesbrough *and the Neighbourhood thereof, in the North Riding of the County of* York, *and for establishing a Market therein*, or any other Act contained to the contrary, it shall be lawful for the Trustees out of the Monies to be received by them under the Authority of this Act to make, and for the Period of Six Calendar Months, but no longer, after the same shall have been made and opened for Traffic to maintain and keep in repair such Part of the said Road as is comprised within the Limits of the Municipal Borough of *Middlesbrough*; and from and after the Expiration of such Period of Six Calendar Months the said Portion of Road shall be and be deemed a Highway within the said Borough, and be repaired accordingly.

Certain exempted Articles subject to Tolls if conveyed during Winter Months.

XXXIX. And whereas the carrying and conveying Stone, Dross, Ashes, and other Materials for the making and repairing Turnpike Roads and Highways, and for building, rebuilding, or repairing Bridges, in the Winter Season, which are exempted from Toll, do considerably more Injury than if the same were conveyed during the Summer Months: Be it therefore enacted, That it shall be lawful for the said Trustees, between the First Day of *October* in One Year and the last Day of *March* in the succeeding Year, both Days inclusive, to demand

demand and take at the several and respective Toll Gates to be continued or erected on the said Road, for every Horse, Beast, or Animal drawing any Waggon, Wain, Dray, Cart, or other Carriage carrying or laden with Stones, Dross, Ashes, or other Materials which may be used for making or repairing any Roads or Highways whatsoever, or for building, rebuilding, or repairing Bridges upon or over the same, the same Tolls as are by this Act authorized to be taken in respect of Horses, Beasts, and Animals drawing any Waggons, Wains, Drays, Carts, or Carriages, any Exemption granted by any Law or Statute to the contrary notwithstanding.

Power to borrow on Mortgage.

XL. That for the Purposes of this Act the Trustees may borrow on Mortgage of the Tolls any Sum not exceeding in the whole Seven thousand five hundred Pounds.

Power to borrow Money at a lower Rate of Interest to pay off Securities at a higher Rate.

XLI. That if the Trustees can at any Time borrow or take up any Sum of Money at a lower Rate of Interest than any Securities given by them and then in force shall bear, they may borrow such Sum at such lower Rate as aforesaid, in order to pay off and discharge the Securities bearing such higher Rate of Interest, and may mortgage the Tolls to secure the Money so borrowed at such lower Rate of Interest: Provided always, that the Sums so borrowed shall be applied only in paying off the Sums bearing such higher Rate of Interest, and it shall not be lawful for the Trustees by such Power of borrowing to increase the Amount of Principal Money for the Time being owing on the said Tolls.

Application of Sums borrowed.

XLII. That all Sums borrowed by the Trustees under the Authority of this Act shall be applied in the first place in paying and discharging all the Costs, Charges, and Expenses attending the applying for, obtaining, and passing of this Act or incidental thereto, and in the next place in purchasing the Land necessary in making the Road, Bridge, or Viaduct, and other Works by this Act authorized, and in erecting the requisite Toll Houses and Toll Gates.

Application of Income.

XLIII. That all Tolls and other Income which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows:

First, In defraying the necessary Expenses of Management, including Salaries of Officers and incidental Expenses, (exclusive of Salaries of Toll Collectors and the Expenses of prosecuting or defending Suits or Actions, or Indictments and Proceedings before Justices,) or any other Proceedings for maintaining or protecting their Trust, and in defraying the necessary Expenses of repairing and painting the said Bridge or Viaduct, and of keeping in repair the Approaches thereto, and all Culverts and Arches under such Approaches, and all Toll Gates, Chains, and

Toll Houses of the Trustees, and of lighting the said Bridge: Provided always, that so long as any Sum shall be due on Mortgage of the Tolls, the Sums to be expended in any Year in defraying the Expenses aforesaid shall not (except in the Event of the Occurrence of any serious Accident to the said Bridge) exceed the Sum of One hundred Pounds:

Secondly, In paying Interest, not exceeding the Rate of Five Pounds *per Centum per Annum*, on all Principal Sums for the Time being due and owing on the Credit of the Tolls:

Thirdly, In setting apart a Sum of Five Pounds *per Centum per Annum* on the Amount borrowed as a Sinking Fund:

Fourthly, In maintaining, repairing, and improving the Road and Bridge or Viaduct and Approaches:

Fifthly, In further reducing, paying off, and discharging in the Manner herein-after mentioned all Principal Sums of Money for the Time being due and owing on the Credit of the Tolls:

Provided always, that the Sum by this Act directed to be set apart as a Sinking Fund shall be in lieu of and in substitution for the Sum required to be set apart as a Sinking Fund by the Act 12 and 13 *Vict.*, Chapter 87.

Mortgagees not to take possession except for Arrears of Interest.

XLIV. That whenever and so long as the Interest upon all Mortgages charged upon the Tolls arising on the Road under the Provisions of this Act shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any such Mortgage shall be entitled to enter into possession of any Toll Gate, Toll House, or Building upon the Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the letting of such Tolls, and every Mortgagee entering into possession of any such Toll Gate, Toll House, or Building, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all the said Mortgages without any Priority or Preference, and may also reimburse himself all Costs to which he may be entitled; and every Mortgagee so in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such Mortgages shall be payable, render to the Clerk to the 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 on all such Mortgages up to the last of such half-yearly Days, and all such Costs aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance, if any, remaining in his Hands, and deliver up Possession of all Toll Gates, Toll Houses, and Buildings to the Trustees or any Person appointed by them to receive the same, and discontinue the

Receipt

Receipt of the said Tolls and such Rent as aforesaid, 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 until after the Expiration of Two Years from and after the Commencement of this Act no Holder of any Mortgage or Security on the Tolls collected on the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Building 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, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

Until Two Years after Commencement of this Act no Mortgagee to take possession.

As to Mode of discharging Debts.

XLV. That when and so often as the Sinking Fund, or the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls, shall amount to the Sum of Three 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 or Person 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 Object or Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *York* or County of *Durham*, or by Letter sent by Post to each Mortgagee, directed to his usual Place of Residence or last known Place of Abode; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on Security of the said Tolls to the Mortgagee 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 Mortgagee as aforesaid shall apply the Surplus (if any) of such Sum or a Portion thereof (as the Case may require) in or towards the Payment of the 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 Payment shall be exhausted; and if and whenever Two or more Mortgagees, 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 Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees as the Trustees shall 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 as far as may be necessary in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments or the Surplus

Surplus thereof (as the Case may be) rateably amongst the Mortgagees on the said Tolls, or to such of them as may be determined by Lot, as the Trustees shall think fit.

Saving Rights of the Crown.

XLVI. That nothing contained in this Act or in any of the Acts herein referred to shall extend to authorize the said Trustees to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Road not exempt from Provisions of General Acts.

XLVII. That 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.

Commencement and Term of Act.

XLVIII. That this Act shall commence on the Fourth *Thursday* 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.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.