Anno tricesimo

Georgii II. Regis.

An Act for enlarging the Term and Powers granted by an Act passed in the Twentieth Year of the Reign of His present Majesty, for repairing the High Road leading from the North End of the *Cow Cawsey*, near the Town of *Newcastle upon Tyne*, to the Town of *Belford*; and from thence to *Buckton Burn*, in the County of *Northumberland*; and for making the same more effectual.



WHereas by an Act of Parliament passed in the Twentieth Year of the Reign of His present Majesty, intituled, An Act for repairing the High Road leading from the North End of the *Cow Cawsey*, near the Town of *Newcastle upon Tyne*, to the Town of *Belford*; and from thence to *Buckton Burn*, in the County of *Northumberland*; several Persons therein named were appointed Trustees for putting the said Act in Execution; and divers Tolls and Duties were granted and made payable; and were thereby directed and appointed to take place from the Twenty fifth Day of March, One thousand seven hundred and forty seven, and to continue and be paid for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; and divers Powers, Authorities, Rules, Orders, and Provisions,

Preamble, reciting an Act of 20 *Geo.* II.

visions, were thereby given, granted, prescribed, and established, for repairing the said Road, and putting the said Act in Execution: And whereas the Trustees appointed by the said Act, have in pursuance of the Powers and Authorities thereby vested in them, borrowed several Sums of Money upon the Credit of the said Tolls, which still remain due and unsatisfied; and although the Money so borrowed, together with the Money arising by the Tolls and Duties above-mentioned, have been applied pursuant to the Directions, and for the Purposes of the said Act; yet, by reason of the great Number of Waggons, Carriages, and Cattle, passing through the said Road, which either do not contribute at all to the Repair of the said Road, or in a great Disproportion to the Damage and Spoil they do to the same; and of the Defect in, and Insufficiency of, several of the Powers contained in the said Act, great Doubts, Difficulties, and Obstructions, have arisen in putting the said Act in Execution, so that several Parts of the said Road remain unrepaired, and unless some Remedy and Provision be speedily had and made, the same will soon become impassable; and as the said Road cannot be effectually repaired and completed, and the Money borrowed on the Credit of the former Act be repaid, unless the Tolls and Duties thereby granted be augmented, and the Powers thereby given, and the Terms thereby granted, be extended, enlarged, explained, and rendered more effectual, by Authority of Parliament; to the End therefore that the said Road may be more speedily and effectually repaired; May it please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such of the Persons nominated and appointed Trustees by or in pursuance of the said former Act for putting the said Act in Execution, as shall be living at the Time of passing this present Act, together with Giles Alcock Esquire, Sir Edward Blackett Baronet, Ralph Bates, John Blacket the younger, John Bulman of Shipwash, Bryan Burrell, Thomas Charles Bigge, Edward Bigge, John Erasmus Blackett, Esquires; the Reverend Doctor James Baker, Sir Thomas Clavering Baronet, John Clavering, John Cay, Edward Collingwood the younger, Grey Cooper, Anthony Compton, George Colpitts, John Blenkinsop Coulson, William Creswell, George Craster, William Clayton, Esquires; the Reverend Nathaniel Clayton, the Reverend William Clifton,

Additional Trustees Names.

Clifton, Clerks; John Cook, Joseph Clarke, William Cook, Gentlemen; John Delaval, Michael Doubleday, Esquires; John Dent Gentleman, the Reverend Darch, the Reverend Thomas Dockwray the younger, Clerks; Robert Ellison, Henry Ellison the younger, Cuthbert Ellison of Bellasis, William Errington of Walwick Grange, Thomas Fenwick the younger, John William Bacon Forster, Charles John Johnson Fielding, Esquires; Collingwood Forster Gentleman; Sir Henry Grey Baronet, John Grey Esquire, Nathaniel Green, William Heppell, Gentlemen; James Jurin Esquire, John Kirkby Gentleman, Sir William Loraine Baronet, Simon Lutterell Esquire, Sir Digby Legard Baronet, William Lake of Long Benton, Robert Lowes, George Lisle, Gentlemen; the Right Honourable Frederick Howard, commonly called Lord Viscount Morpeth; Sir Ralph Milbanke Baronet, William Middleton, John Lambert Middleton, Robert Mitford, John Milbanke the younger, Esquires; the Right Honourable Charles Bennett, commonly called Lord Ossulstone; John Ord Esquire, the Reverend William Potter Clerk, Anthony Pearson Gentleman, Henry Reveley, Christopher Reed, William Reed, Esquires; the Reverend William Radley Clerk, Jacob Rutter Gentleman, John Schutz the younger, Aubone Surtees, Esquires; the Reverend John Sharpe Clerk, John Stephenson Gentleman, the most Honourable William Henry Cavendish Bentinck, commonly called Marquis of Titchfield; John Tempest, Henry Tulip, Middleton Teasdale, Esquires; John Tweddell Gentleman, the Right Honourable George Bussy Villiers, commonly called Lord Viscount Villiers; Robert Vaughan Esquire, the Right Honourable Hugh Percy, commonly called Lord Warkworth; Sir Matthew White Baronet, Edward Ward of Nunnikirk, William Wilkinson, Richard Wilson of Kenton, John Widdrington, Richard Wharton, Stephen Watson, John Wilkinson, James Wilkinson, Esquires; the Reverend Henry Wastell, the Reverend Richard Wallis, and the Reverend Joseph Wood, Clerks; shall be, and they are hereby appointed Trustees for putting the said former Act and this present Act in Execution.

The Tolls following to be taken instead of those granted by the former Act.

And it is hereby further enacted by the Authority aforesaid, That from and after the Tenth Day of June, One thousand seven hundred and fifty seven, the Trustees nominated and appointed by and in pursuance of this present Act and the said former Act respectively for the time being, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall, by Writing under their Hands and Seals, authorize and appoint,

appoint, shall and may, and they are hereby authorized and impowered, from time to time, to demand, receive, and take, the several Tolls and Duties herein after mentioned, instead of the several Tolls or Duties granted or made payable by the said former Act, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Landau, Chariot, Berlin, Chaise, Hearse, Calash, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say,

The Tolls. For every Coach, Landau, Berlin, Chaise, Hearse, Calash, or other Carriages, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Nine Shillings.

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse, Calash, or other Carriage, drawn by Four Horses, Mares, Geldings, or Mules, the Sum of Six Shillings.

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse, Calash, or other Carriage, drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Three Shillings.

For every Calash, Chaise, or Chair, drawn by One Horse, Mare, Mule, or Gelding, the Sum of One Shilling and Six Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Six or more Horses, Oxen, or Beasts of Draught, the Sum of Nine Shillings.

For every Waggon, Wain, Cart, or Carriage, drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of Seven Shillings and Six Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Six Shillings.

For every Waggon, Wain, Cart, or Carriage, drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of Four Shillings and Six Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Three Shillings.

For every Waggon, Wain, Cart, or Carriage, drawn by One Horse or Beast of Draught, the Sum of One Shilling and Six Pence.

For every Horse, Mare, Mule, Ass, or Beast of Burden, laden or unladen, and not drawing, the Sum of Nine Pence.

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Ten Pence halfpenny per Score; and so in Proportion for any greater or less Number.

For

For every Drove of Calves, Hogs, Sheep, Lambs, or Goats, the Sum of Ten Pence halfpenny per Score; and so in Proportion for any greater or less Number.

And which said Tolls and Duties shall be collected and taken in the Proportions and Manner following; that is to say, One Third Part thereof between the Towns of Newcastle and Morpeth, and One other Third Part thereof between the Towns of Morpeth and Alnwick, and the other Third Part thereof between Alnwick and Buckton Burn aforesaid.

Provided always, and it is hereby enacted and declared, That no Toll or Duty shall be collected or taken at any of the Toll-gates or Turnpikes erected, or to be erected, upon the said High or Post Road by virtue of the said former Act or this present Act, for any Waggon, Wain, Cart, Carriage, Horse, Mare, Gelding, Mule, or Ass, which shall be employed in the carrying any Hay or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said High or Post Road is directed to be repaired, doth lie; nor for any Ploughs, Harrows, or other Implements of Husbandry, or other Thing whatsoever belonging to or employed by such Inhabitants respectively in Husbandry, manuring or stocking of Lands lying near the said Road; nor shall any of the said Tolls or Duties be demanded or taken from any Person or Persons residing in the said Parishes, Townships, or Places, or any of them, who shall pass through the said Turnpikes to and from Church, Chapel, or other Places of religious Worship on Sundays: or who shall attend the Funeral of any Person or Persons who shall die or be buried in any of the said Parishes, Townships, or Places respectively; or for any Horses, Geldings, Mares, or Cattle, going to or returning from Pasture or Watering-places, belonging to such Parishes, Townships, or Places, or any other Parish or Township near the said Road; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing in their March, or for Carts, Carriages, or Waggons, attending them, or loaden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by legal Passes. Persons and Things exempted from Tolls.

Provided also, That no Toll or Duty shall be collected or taken by virtue of this Act, for any Waggon, Wain, Cart, or Carriage, having Wheels made with Fellies of the Breadth of Six Inches at least, loaden with, or carrying any Stones, Bricks, Lime, Timber, Wood, Gravel, No Toll to be taken for Carriages having Wheels of Six Inches Breadth, &c.

or

or other Materials for repairing the said Road, or carrying or going empty for any Lime, Lime-stone, Coals for burning such Lime-stones into Lime, or for Dung, Mould, or Compost of any Kind whatsoever, for manuring of Lands or Gardens.

Tolls to be taken at *Long Horsley Gate*.

And whereas in pursuance and under the Authority of the said former Act, a Turnpike or Toll-gate hath been erected and set up on the Side of the High or Post Road thereby directed and appointed to be repaired, at a Place where the Road from Long Horsley communicates with, and falls into the said High or Post Road; now it is hereby further enacted, That the several Tolls and Duties herein after-mentioned shall and may be demanded and taken at the said Side-gate or Turnpike, in lieu and instead of the several Tolls and Duties directed or authorized to be taken at the Place where the said Road from Long Horsley falls into the said High Road; that is to say,

The Tolls.

For every Coach, Landau, Berlin, Chariot, Hearse, Calash, Chaise, or Chair, drawn by Six Horses or Beasts of Draught, the Sum of One Shilling and Six Pence; and drawn by Four Horses or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or Beasts of Draught, the Sum of Six Pence; and drawn by One Horse or Beast of Draught, the Sum of Three Pence.

For every Waggon, Wain, Cart, or other Carriage, drawn by Six Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of Ten Pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Six Pence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of Four Pence Half-penny; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Three Pence; and drawn by One Horse or Beast of Draught, the Sum of Two Pence Farthing.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Halfpence.

Further Exemptions from Tolls.

Provided always, and it is hereby enacted and declared, That no Toll or Duty shall be collected or taken by virtue of this Act, at the Turnpike or Toll-gate erected or set up at the Place where the said Road from Long Horsley falls into the High Road, for any Waggon, Wain, Cart, Carriage, Horse, Mare, Gelding, Mule, Ass, or other Beast of Draught, which shall be employed in the Carriage of any Sort of Corn, Grain, Pulse, or Seeds,

Fruits, Herbs, Roots, or other Produce of the Earth, arising by Husbandry or Tillage; or for any Waggon, Wain, Cart, or Carriage, (having Wheels made with Fellies of the Breadth of Six Inches at the least) loaden with or carrying, or going empty for, any Manure, Dung, Compost, Lime, Lime-stone, or Coals for burning Lime-stone into Lime; nor shall any Toll or Duty be demanded or taken at the last-mentioned Turnpike, for any Cattle, Sheep, Calves, Swine, or Hogs, passing through the same Turnpike or Toll-gate.

Turnpikes and Toll-houses vested in the Trustees.

And it is hereby further enacted and declared, That all and every the Turnpikes, Toll-gates, and Toll-houses, erected and set up, or to be erected and set up, by virtue of, and under the Authority of the said former Act and this present Act respectively; and all the Tolls and Duties granted and made payable by this present Act, shall be, and the same are hereby vested in the Trustees hereby nominated and appointed, and their Successors: And that the said Trustees, or their Successors, or any Nine or more of them, shall and may, and they are hereby authorized and impowered, from time to time, by Writing under their Hands and Seals, to assign or make over the said Tolls and Duties, or any Part thereof, for any Time or Term during the Continuance of this present Act, unto any Person or Persons who shall be willing to advance and lend Money upon the Credit thereof, as a Security for the Repayment of any Sum or Sums of Money so to be advanced and lent, with such Interest, as shall be stipulated and agreed upon, not exceeding Five Pounds per Centum per Annum.

Tolls may be assigned for Money borrowed.

Trustees may farm, &c. the Tolls.

And it is hereby further enacted, That the said Trustees, and their Successors, or any Nine or more of them, shall and may, and they are hereby authorized and impowered, by Indenture or Indentures under their Hands and Seals, at any Time during the Continuance of this Act, to lease, set, demise, and to farm lett the Tolls hereby granted, and directed to be taken, or any Part thereof, unto any Person or Persons who shall be willing to rent, or take the same to farm, for any Term or Time not exceeding Nine Years, for the best Rent they can get for the same, to be payable to the said Trustees, or to such Person or Persons as they, or any Nine or more of them, shall, under their Hands, direct or appoint, with such Covenants to be therein contained, as to the Trustees signing the same respectively, shall seem proper and requisite; so as Notice in Writing be fixed on all the Turnpike-gates or Tolls-bars then erected, and standing and being on the said Roads so directed to be repaired,

paired, at least Twenty one Days before the making or granting every such Lease or Demise respectively; and which said several Leases so to be made, shall be entered by the Clerk to the said Trustees for the time being, in a Book to be kept for that Purpose, and which said Book may be seen and perused by any Person or Persons, without Fee or Reward; which said Rent, in and by such Leases or Demises respectively to be reserved and made payable, shall be applied and disposed of in such Manner, as the Tolls and Duties granted and made payable by this present Act, are directed to be applied and disposed of, and to and for no other Use or Purpose whatsoever: And also that it shall and may be lawful to and for the said Trustees, and their Successors, or any Nine or more of them, from time to time, at any Meeting to be called or appointed for that Purpose, whereof Twenty one Days publick Notice in Writing shall be given and fixed as aforesaid, to lessen or reduce all or any of the Tolls or Duties hereby granted and made payable; and afterwards, at any subsequent Meeting to be held upon the like Notice, to raise and augment the same again, so as not to exceed the Sums hereby granted and made payable, and so as such Reduction be no Prejudice to any Lease, Demise, Mortgage, or Security, made or to be made of the said Tolls or Duties by virtue and in pursuance of the said former Act and this present Act; or else be made by and with the Consent, in Writing, of the Person and Persons intitled to such Leases, Demises, Mortgages, and Securities, respectively, for the time being.

Trustees with Consent of the Creditors, may lessen the Tolls, and raise them again.

And it is hereby further enacted, That the said Tolls and Duties arising, and to be received and taken by virtue of this present Act, and the Rents and Sums of Money arising and produced by leasing or letting out the same Tolls and Duties respectively, and the Money to be raised, borrowed, and taken up, in pursuance of this Act, by any Mortgage or Mortgages of such Tolls and Duties, shall be paid, applied, and disposed of, in the First Place, for the Payment and Discharge of all the Expences and Charges attending the obtaining and passing this present Act, and in paying off, discharging, and keeping down, the Principal-money and Interest now due and owing, or hereafter to be borrowed and taken up, or to become due and owing upon any Mortgage or Assignment of the Tolls and Duties made or to be made thereof by virtue or in pursuance of the said former or this Act respectively, and in and for the repairing, amending, and keeping in Repair, the Roads hereby directed and appointed to be repaired and amended, in such Manner as to the said Trustees,

Application of the Money borrowed.

stees, or their Successors, or any Five or more of them, shall, from time to time, seem proper and expedient.

Commencement and Continuance of this Act.

And it is hereby further enacted by the Authority aforesaid, That this Act, and the Tolls and Duties hereby given, granted, and made payable, shall take Place, from and after the Tenth Day of June, One thousand seven hundred and fifty seven; and that all the said Tolls and Duties hereby granted, shall remain, continue, and be paid, from the said Tenth Day of June, One thousand seven hundred and fifty seven, for and during the Residue and Remainder of the Term granted by the said Act herein first recited or referred to, now to come and unexpired; and from and immediately after the Expiration and Determination thereof, then for and during the Term of Five Years from thence next ensuing, pursuant to, and according to the Tenor of an Act made and passed in the Twenty eighth Year of the Reign of His present Majesty, intituled, An Act to amend an Act made in the Twenty sixth Year of His present Majesty, intituled, *An Act for the Amendment and Preservation of the publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto*; and from and after the End and Expiration of the said additional Term of Five Years, then for and during the Term of Twenty one Years, from thence next ensuing, and from thence to the End of the then next Session of Parliament.

Powers, Penalties, &c. in the former Act, to be enforced for the Purposes of this Act.

And it is hereby further enacted, That all the Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, given, granted, ordered, appointed, prescribed, inserted, and contained in and by the said first-mentioned Act, which are now in Force (other than so far forth as the same, or any of them respectively, are varied, altered, explained, rendered unnecessary, or otherwise provided for, by the Force and Effect of this present Act) shall be exercised, practised, used, enforced, and put in Execution, for the Purposes of this Act, in as full, extensive, and beneficial Manner, as if the said Powers, Penalties, Forfeitures, Remedies, Provisions, Rules, Orders, Directions, Clauses, Matters, and Things, were particularly expressed, and again enacted, in the Body of this present Act.

Trustees may lessen the Penalties.

Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for the Trustees hereby appointed for the Purposes aforesaid, or their Successors, or any Five or more of them, or the Justice or Justices of the Peace, who, by virtue of the said former Act, shall have Cognizance of, and are authorized

to

to act in the Premisses respectively, to mitigate or lessen any of the pecuniary Penalties inflicted or directed to be levied by the same Act, for permitting any Person to pass with any Carriage or Cattle through any Gate, Passage, or Way, in order to avoid the Payment of the Toll or Duty thereby granted and made payable; or for unloading or taking off any Goods or Merchandize from any Carriage or Cattle, at or before their coming to any Turnpike or Toll-gate; or for concealing or secreting any Goods or Things, or putting or leaving any Carriage or Cattle in any House or Place, with an Intent to avoid the Payment of any of the said Tolls or Duties; or for neglecting to remove such Annoyances in the said Road as are therein mentioned; so as by such Mitigation, or Lessening, the said pecuniary Penalties or Forfeitures be not reduced above One Fourth Part; any thing in the said former Act or this present Act contained to the contrary notwithstanding.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.