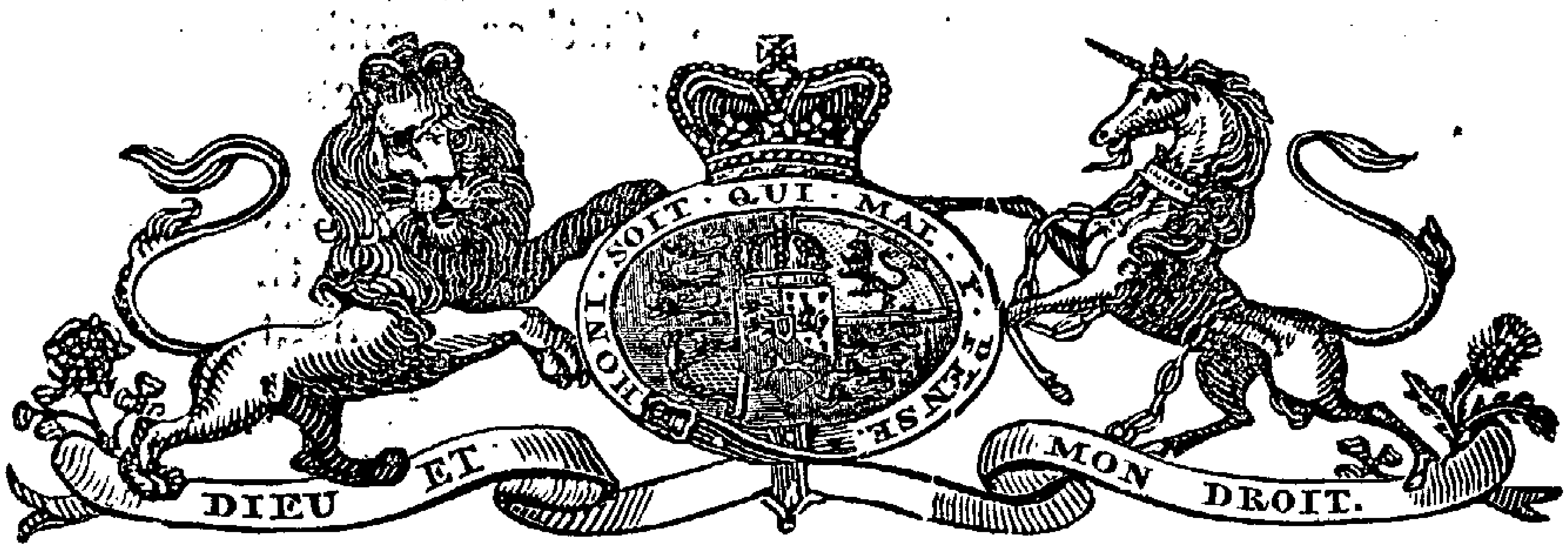


ANNO TERTIO

GULIELMI IV. REGIS.

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Cap. lxxx.

An Act for more effectually repairing the Road from the East End of a Close called *Lord's Close*, in the Parish of *Brougham* in the County of *Westmorland*, by way of *Brougham Bridge*, into the Town of *Penrith* in the County of *Cumberland*.
[10th *June* 1833.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from the East End of a Close called* Lord's Close, *in the Parish of* Brougham *in the County of* Westmorland, *into the Town of* Penrith *in the County of* Cumberland; *and for building a Bridge in the Line of the said Road over the River* Eamont, *which divides the said Counties of* Cumberland *and* Westmorland: And whereas the Trustees acting in the Execution of the said Act have borrowed a considerable Sum of Money on the Credit of the Tolls by the said Act authorized to be taken, which still remains due and owing, and cannot be repaid, nor can the said Road be effectually amended and kept in repair, 52 G.3. c.122.

unless the Term of the said Act be further continued: May it therefore 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 upon the Day of the Commencement of this Act the said recited Act passed in the Fifty-second Year of the Reign of King *George* the Third shall be and the same is hereby declared to be repealed.

Recited Act repealed.

Purpose of this Act.

II. And be it further enacted, That this Act shall commence and be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually improving and keeping in repair the Road from the East End of the said Close called *Lord's Close*, in the Parish of *Brougham* in the County of *Westmorland* aforesaid, by way of *Brougham Bridge*, unto the Town of *Penrith* in the County of *Cumberland* aforesaid.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the Counties of *Westmorland* and *Cumberland*, or either of them, together with *Richard Atkinson*, *John Atkinson*, *James Atkinson*, *William Atkinson* of *Longmarton*, *William Atkinson* of *Kirkbythore*, *Robert Addison*, *Bowness Addison*, *Henry Addison*, *Joseph Atkinson*, *John Boazman*, *Thomas Dobson Bleaymire*, *William Bleaymire*, *Thomas Bousfield*, *Thomas Briggs*, *Robert Blencarn*, *John Bond*, *John Bushby*, *Thomas Bland*, *Charles Byers*, *John Crosby*, *Andrew Craig*, *Andrew Craig* junior, *James Crosby*, *Samuel Crosby*, *John Cowper*, *John Dixon*, *John Dixon* junior, *Joseph Dixon*, *Thomas Dixon*, *Joseph Dixon*, *Lancelot Storey Dixon*, *Thomas Ellwood*, *William Fell*, *Edward Grave*, *Thomas Goulding*, *Thomas Gilbanks*, *John Heelis* Clerk, *Edward Heelis* Clerk, *Thomas Heelis*, *John Heelis* junior, *John Lawrence Harrison*, *Lawrence Harrison*, *Richard Grave Hindson*, *Thomas Hobson*, *George Hutchison*, *Christopher Harrison*, *Robert Harrison* Clerk, *Robert Harrison* junior, Clerk, *George Hall*, *Thomas Hutton*, *John Hutton*, *Richard Hall*, *William Horn*, *John Jameson*, *Richard Jameson*, *William Jameson*, *Joseph Jameson*, *John Kendal*, *Abram Levy*, *Thomas Bailey Levy*, *George Levy*, *Christopher Marvell*, *William Gorman Monkhouse*, *William Nicholson*, *Thomas Nicholson*, *Henry Oliphant*, *Hugh Parkin*, *James Parkin*, *Anthony Preston*, *William Parker*, *Christopher Parker*, *Joseph Richardson*, *Thomas Richardson*, *John Lowther Sackville Rippon*, *John Robinson*, *John Robinson* Clerk, *Thomas Salkeld*, *Joseph Salkeld*, *Holme Hill*, *Joseph Salkeld*, *Penrith*, *Richard Shepherd Stephenson*, *Joseph Sewell*, *Richard Sewell*, *John Spedding*, *Richard Tinkler*, *George Troutbeck*, *William Tinkler*, *Joseph Thompson*, *John Teather*, *George Thompson*, *William Thompson* Clerk, *Philip Threlkeld* Clerk, *John Walton*, *Rowland Walton*, *Thomas Watson*, *Richard Williamson*, *Thomas Williamson*, *Paul Westmorland*, *Richard Williamson*, and *William Youngson*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for improving

improving and keeping in repair the said Road, and for otherwise carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time at any of their Meetings, to elect any Number of Persons, not exceeding Three in the whole, in addition to the Number of Trustees herein named, to be Trustees for the Purposes of this Act; and such Persons so elected and being duly qualified shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities as if they had been herein named.

Meetings of Trustees.

V. And be it further enacted, That the said Trustees shall meet together on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and Two in the Afternoon, at the House of *Thomas Hill* Innkeeper, in *Temple Sowerby* in the said County of *Westmorland*, or at some other convenient Place on or near the said Road, and then and there proceed to put this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and Places on or near the said Road as they shall think proper.

Power to continue the present Gate, and to take Tolls.

VI. And for defraying the Expences which have been incurred in building the said Bridge, and making and maintaining the said Road, and for executing other the Purposes of this Act, be it further enacted, That it shall be lawful for the said Trustees to continue the Toll Gate or Turnpike and Toll House standing and being at the North End of the said Bridge, and to demand and take, or cause to be demanded and taken, the Tolls and Sums herein-after mentioned at such Toll Gate or Turnpike, or at any other Toll Gate or Turnpike to be erected instead thereof, before any Horse, Mule, Ass, or other Beast or Cattle, or any Carriage whatsoever, or any Foot Passenger, shall be permitted to pass through such Turnpike or Toll Gate and over the said Bridge; (that is to say,)

Tolls.

For every Horse, Mule, Ass, or other Beast drawing any Coach, Chariot, Landau, Berlin, Barouche, Sociable, Chaise, Curricle, Whiskey, Car, Taxed Cart, Calash, Chair, Hearse, or Litter, or other such like Carriage, where the same shall be drawn by Six or more Horses or other Beasts, the Sum of Four-pence; and where the same shall be drawn by Four or Five Horses or other Beasts, the Sum of Four-pence Halfpenny; and where the same shall be drawn by Three Horses or other Beasts, the Sum of Four-pence; and where the same shall be drawn by One or Two Horses or other Beasts, the Sum of Sixpence:

For every Horse, Mule, Ass, or other Beast drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, where the same shall be drawn by more than Four Horses or other Beasts, the Sum of Ten-pence Halfpenny; where the same shall be drawn by Four Horses or other Beasts, the Sum of Four-pence Halfpenny;

penny; and where the same shall be drawn by less than Four Horses or other Beasts, the Sum of Four-pence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence, and so in proportion for any greater or less Number:

For every Carriage moved or propelled by Steam, Gas, or Machinery, or by any other Power than animal Power, the Sum of Three-pence *per* Wheel for each Wheel thereof:

For every single Foot Passenger, the Sum of One Halfpenny.

Toll on Foot Passengers may be taken off.

VII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them, (with the Consent of such Person or Persons as shall be entitled to Two Third Parts or Shares in Value of the Monies which shall be due on the Credit of the said Tolls,) at the said first or any other subsequent Meeting, to take off the said Toll on Foot Passengers, and suffer them to pass over the said Bridge Toll-free.

Exemptions from Toll.

VIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken at the said Turnpike or Toll Gate for or in respect of any Horse, Beast, or other Cattle, or any Carriage, carrying or conveying, or going empty to fetch, carry, or convey, any Lime to be used for Manure, nor for any Cattle or Carriage employed only in carrying Corn to or Grist from the nearest or such other Mill as shall be used by the Owners of such Corn respectively, and to be consumed by such Owners or their Families.

Tolls to be paid but once a Day.

IX. And be it further enacted, That no Person shall be liable to pay more than once for passing or repassing at any Time or Times in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night) on Foot, or with the same Horses, Cattle, or Carriages respectively, through the said Turnpike (except as herein-after mentioned), but that every Person after having paid Toll once, and producing a Ticket denoting the Payment of such Toll (which Ticket the Collector receiving such Toll is hereby required to give), shall afterwards be permitted to pass on Foot, or with every such Horse, Cattle, or Carriage, Toll-free, during such Day, through the said Turnpike.

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

X. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or Stage Carriage or Cart, and for and in respect of any Carriage propelled by Steam, Gas, or Machinery, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

XI. Pro-

Post Chaises for every fresh Hiring.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing and repassing along the said Road, on the same Day, when any new Hiring thereof shall take place.

Application of Tolls and Money borrowed.

XII. And be it further enacted, That out of the Monies already received by virtue of the said recited Act hereby repealed, and now in the Treasurer's Hands, or out of the first Monies which shall be produced or received by virtue of this Act, the said Trustees shall, in the first place, pay and discharge all the Costs and Expences relative to the obtaining and passing of this Act, together with lawful Interest for the same; and the Remainder of such Monies shall (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, and Milestones, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act,) from Time to Time be applied in keeping down the Interest of the Principal Monies advanced or borrowed on account of the said Bridge and Road, and which may be borrowed on the Credit of this Act, and in amending, making, altering, turning, widening, improving, and keeping in repair the said Road, and in otherwise putting this Act into execution; and lastly, in repaying the Principal Monies already borrowed or to be borrowed on the Credit of the Tolls arising on the said Road.

No Money to be expended in repairing Streets.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any Monies raised by virtue of the said recited Act, in repairing or improving any Street, Highway, or Place in the Town of *Penrith*, or to collect any Tolls therein.

Gates may be erected across the Road between Lowther Bridge and the Hospital Lane End.

XIV. And whereas, in pursuance of a Power contained in the said recited Act of the Fifty-second Year of the Reign of King *George* the Third, the Proprietor of the Lands lying between *Lowther Bridge* and a Place called the *Hospital Lane End*, has erected Two Gates across the Road which passes through the said Lands; be it therefore enacted, That it shall and may be lawful to and for the Proprietor for the Time being of the said Lands to continue the Gates now standing, or to erect other Gates or any Arch or Arches across the Road, at any Place or Places he may think proper: Provided always, that such Gates shall be kept unlocked, and such Arches so constructed as that the Passage of the Road may not be obstructed thereby, and that there shall not be erected on the said Road more than Two such Gates.

Public Act.

XV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Term of Act.

XVI. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall from thenceforth continue and be in force and be executed for and during the Term of Thirty-one Years.

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