

ANNO SECUNDO

GULIELMI IV. REGIS.

Cap. xxix.

An Act for more effectually repairing and improving the Road from the Town of *Cockermouth* to the Town of *Workington*, and a Branch of Road over *Broughton High Bridge*, unto and as far as the public Highway leading from the Village of *Papcastle*, towards and unto the Village of *Great Broughton* in the County of *Cumberland*.

[3d *April* 1832.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually amending, improving, and keeping in repair the Road between the Towns of* Cockermouth *and* Workington *in the County of* Cumberland: And whereas the Tolls granted in and by the said Act were and are subject and liable to the Payment of considerable Sums of Money, which still remain due and owing, and cannot be repaid unless the Term granted and continued by the said Act be further continued, and the Tolls increased, altered, or regulated: And whereas considerable Sums of Money have been expended in the repairing and Improvement of the said Road, which Road is in many Parts hilly, narrow, and inconvenient, and it is desirable that certain Alterations and Diversions should be 4 G. 4. c. 23.

made in and along the same; and it would be more convenient to the Trustees and beneficial to the Public if the said recited Act was repealed, and if further and other Powers and Provisions were granted instead thereof: And whereas the present Road or Highway branching out of and from the said Turnpike Road at or near to *Brigham Low Houses*, and leading from thence over *Broughton High Bridge*, unto and as far as the public Highway leading from the Village of *Passcastle* towards and unto the Village of *Great Broughton* in the Parish of *Bridekirk*, in the said County of *Cumberland*, is narrow and inconvenient, and cannot be effectually widened and improved by the ordinary Course of Law; and it would greatly tend to the Accommodation of the Public if Powers were given to make and repair the said Branch Road, and to apply the Tolls arising and to arise thereon in the future repairing the said Branch Road and also the said Bridge called *Broughton High Bridge*: But inasmuch as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, 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 from and after the First *Tuesday* next after the passing of this Act the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby repealed, and instead thereof this Act shall commence and be put in execution, for the Term herein-after mentioned, for more effectually repairing and improving the Road from the Town of *Cockermouth* to the Town of *Workington* in the County of *Cumberland*, and also the said Road branching out of and from the said Turnpike Road, over *Broughton High Bridge*, unto and as far as the public Highway leading from the Village of *Passcastle* towards and unto the Village of *Great Broughton* in the Parish of *Bridekirk*, in the said County of *Cumberland*.

Recited Act repealed, and this Act to take effect.

Appointment of Trustees.

II. And be it further enacted, That all His Majesty's Justices of the Peace acting in and for the County of *Cumberland* for the Time being, together with *Richard Atkinson*, *John Adcock*, *Thomas Benson* Clerk, *Joseph Birbeck*, *William Bragg*, *Isaac Brown*, *John Benson*, *Robert Benson*, *Henry Curwen Daniel Clift*, *Robert Cort*, *Ralph Cooke*, *Richard Cooke*, *James Moore Clift*, *Henry Dalton*, *Joseph Balantine Dykes* Clerk, *Lamplugh Brougham Dykes*, *William Lindow Dickinson*, *Joseph Stamper Dickinson*, *George Dawson*, *William Dixon*, *Henry Dodgson*, *John Dufton*, *John Fisher*, *David Fletcher*, *William Fletcher*, *John Wilson Fletcher*, *Andrew Green*, *Thomas Hartley*, *Milham Hartley*, *Thomas Hall*, *John Hartley*, *Thomas Allison Hoskins*, *Joseph Harris*, *Jonathan Harris*, *John Hodgson*, *Joseph Huddleston*, *William Hodgson*, *John Norman*, *Peter Nicholson*, *William Paisley*, *Nicholas Ross*, *William Rudd*, *Humphrey Senhouse* the elder, *Humphrey Senhouse* the younger, *Thomas Sparkes*, *Jeremiah Spencer*, *Joseph Steel*, *John Steel*, *Henry Skelton*, *Joseph Sanderson*, *William Salkeld*, *Thomas Storey Spedding*, *William Taylor*, *Henry Teshmaker Thompson*, *Benjamin Thompson*, *Charles Thompson*, *Joseph Thompson* senior, *Joseph Thompson*, *William Wybergh*, *John Wybergh*, *Peter Wybergh*, *Christopher Hilton Wybergh* Clerk, *Joseph Ratcliffe Wilson*, *John*

Watson, William Wood, Jonathan Wood, and their Successors, being duly qualified to act as Trustees of Turnpike Roads, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

III. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at their First or any subsequent Meeting or Meetings to be holden in pursuance of this Act, to elect, nominate, and appoint any Number of fit Persons not exceeding Three, in the whole, to be Trustees, for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been named in and appointed by this Act.

First Meeting of Trustees.

IV. And be it further enacted, That the said Trustees shall meet at *Broughton Cross* on the First *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Twelve in the Forenoon and Four in the Afternoon, and shall then proceed to carry this Act into execution.

Trustees may receive Tolls.

V. And be it further enacted, That from and after the said First *Tuesday* next after the passing of this Act it shall be lawful for the said Trustees, or any Person or Persons to be by them appointed by virtue of this Act, to demand and take or cause to be demanded and taken, at each and every Toll Gate, Turnpike, and Side Gate already erected or hereafter to be erected upon or across the said Roads, or on the Sides of any Road or Way leading into or out of any Part of the said Roads, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, the several Tolls following; (that is to say,)

Tolls.

For every Horse, Mule, Ass, or other Beast drawing any Coach, Landau, Berlin, Phaeton, Curricle, Chariot, Chaise, Calash, Hearse, Caravan, Gig, Chair, Car, or such like Carriage, the Sum of Four-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Sum of Two-pence:

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

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

For every Drove of Hogs or Pigs, Calves, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for any less Number:

For every Horse, Mule, Ass, or other Beast drawing any Cart or other Carriage going empty for, or laden with, or returning empty after having been laden with, Lime to be used for Manure only, the Sum of One Penny:

For every Four-wheeled Carriage not drawn by any Horse or Beast, but propelled or moved by Machinery, the Sum of Two Shillings:

And for every Two or Three-wheeled Carriage not drawn by any Horse or Beast, but propelled or moved by Machinery, the Sum of One Shilling:

Which said respective Tolls shall be demanded and taken before any Horse, Mule, Ass, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Turnpike, Toll Gate, or Bar erected or to be erected upon, in, or across the said Roads by virtue of this Act.

Tolls made liable to maintaining Road.

VI. And be it further enacted, 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 heretofore borrowed for making, repairing, and maintaining the said Road from *Cockermouth* to *Workington*, and now due and owing upon the Credit or on account of any former Act or Acts made and passed for repairing the said Road, or secured upon or made payable out of the Tolls thereby or by any of them authorized to be taken upon the said Road, and all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act or of the Tolls hereby authorized to be collected, and also all such other Sum or Sums of Money as shall or may hereafter be borrowed for the Purposes of or become due on the Credit of this Act, and all Interest due and to grow due for the same respectively.

Only One Toll to be taken for passing and repassing on same Day.

VII. Provided always, and be it further enacted, That no more than One full Toll shall be demanded and taken upon the said Roads for passing and repassing once with the same Horse or Horses, Beasts, or Cattle through the same Turnpike Gate in any one and the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

Only Two Tolls on the whole Line the same Day.

VIII. Provided also, and be it further enacted, That no more than Two full Tolls shall be demanded and taken upon the said Roads for the same Horse or Horses, Beasts, or Cattle passing through all or any of the Toll Gates erected or to be erected across or on the Sides of the said Roads, in any one Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night.

Stage Coaches to pay every Time of passing;

IX. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of all Horses or Cattle drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart, conveying Passengers or Goods for Payment, Hire, or Reward, shall be payable and paid every Time of passing and repassing along the said Roads: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coaches, Vans, Caravans, Stage Waggons, or other Stage Carriages, on account only of the Horses drawing the same having been changed.

Post Chaises on every new Hiring.

X. Provided also, and be it further enacted, That the Tolls hereby made payable for in respect of Horses or other 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 Roads on the same Day, whenever any new Hiring thereof shall take place.

XI. And

Application of Tolls and Money borrowed.

XI. And be it further enacted, That out of the Monies already received by virtue of the said recited Act, or out of the first Money 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 Interest for the same; and the Remainder of such Monies shall (after Payment of the necessary Expences incidental to the Execution of this Act) from Time to Time be applied in keeping down the Interest of the Monies advanced or borrowed on account of the said Roads, and which may hereafter be borrowed on the Credit of this Act, and in amending, widening, diverting, improving, and keeping in repair the said Roads and Bridge; and lastly, in repaying the Principal Monies already borrowed or to be borrowed on the Credit of the Tolls arising on the said Roads.

No more Money to be laid out on the Branch Road than is collected thereon.

XII. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of the Branch Road and Bridge comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of the said Branch Road and Bridge than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Map or Plan deposited with the Clerk of the Peace to remain open to Inspection.

XIII. And whereas a Map or Plan describing the Line of the said intended Alterations or Diversions and Branch Road, and the Lands through or over which the same is to be made or carried, together with a Book of Reference containing the Names of the Owners and Occupiers of such Lands, has been deposited at the Office of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Trustees in making the said Roads shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic or Corporate or Collegiate, through whose Land such Deviation shall be made.

Limiting Deviations from Plan.

Lands marked in the Plan may be used, notwithstanding Errors in the Book of Reference.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Alterations or Diversions and Branch Road into, through, across, or over the Lands of any Person or Persons who is or are or may be Owner or Owners of Lands over which the same is or are set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees not to repair Streets.

XV. 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 of the Monies now borrowed or hereafter to be borrowed upon the Credit thereof, in or towards the widening, improving, or repairing any of the Streets in the Towns of *Cockermouth* or *Workington*, or either of them.

Not to take Houses without Consent.

XVI. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Public Act.

XVII. 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, without being specially pleaded.

Term of Act.

XVIII. And be it further enacted, That this Act shall commence and take effect upon the First *Tuesday* next after the passing of this Act, and shall continue and be in force and be executed for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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