ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

Cap. lxiv.

An Act for more effectually repairing the Road from *Penrith* to *Cockermouth*, and other Roads connected therewith, and for making and maintaining several new Roads, all in the County of *Cumberland*. [30th *June* 1856.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for effectually amending, improving, and keeping in repair the Road leading from* Penrith *to* Cockermouth, *and several other Roads therein mentioned, all in the County of* Cumberland: And whereas the Term granted by the recited Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-six, unless the same be further continued: And whereas considerable Sums of Money are due and owing upon the Credit of the Tolls authorized to be taken by the recited Act, amounting to the Principal Sum of Thirteen thousand one hundred and nine Pounds and Five Shillings, together with an Arrear of Interest thereon: And whereas the making, forming, and maintaining the several new Roads herein-after described, and placing the same under the Management of the Trustees for executing this

5 G. 4. c. iv.

Act, will be a Work of public Utility: And whereas Plans and Sections of the several Roads so proposed to be made, formed, and maintained, showing the Lines and Levels thereof, with a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and the Occupiers of the Lands through which the Roads will pass, have been deposited at the Office of the Clerk of the Peace for the County of *Cumberland:* And whereas, for the Purposes herein-after mentioned, it is expedient that the recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but such Purposes cannot be effected without the Aid and Authority of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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Act repealed, and this Act put in force.

I. Upon the Commencement of this Act, the recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth is hereby repealed, and this Act shall thereafter be put in execution during the Term and for the Purpose herein-after mentioned.

Monies and Property vested in Trustees.

II. All Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in, the Trustees under the Act hereby repealed shall be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as fully and effectually as if the same had been vested in them under such Act, and they shall be liable to all the Debts and Engagements to which the Trustees acting under such Act were liable, except such as are altered, reduced, or extinguished by this Act.

Construction of Terms.

III. In this Act the following Words and Expressions 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 Word "Person" shall include Corporation:

The Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act:

The Expression "the Roads" shall mean the existing Roads comprised in the recited Act, and the new Roads in this Act authorised to be made, formed, and maintained:

The Expression "Turnpike" shall include Toll Gate, Bar, and Chain.

Short Title.

IV. In citing this Act for any Purpose, it shall be sufficient to use the Expression "*Penrith* and *Cockermouth* Roads Act, 1856."

Trustees.

V. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Cumberland*, together with *William Lancaster*

caster Alexander, *John Atkinson*, *William Bragg*, *Robert Benson*, *Thomas D. H. Battersby* Clerk, *William Bleaymire*, *Edward Bleaymire*, *John Barker*, *William Augustus Bushby*, *Thomas Brougham*, *Samuel Johnson Butler*, *Daniel Clift*, *Robert Clark*, *John Crozier*, *Richard Cooke*, *Mark Cockbaine*, *Lamplugh Brougham Ballantine Dykes*, *James William Ballantine Dykes*, *Arthur Dover*, *Wilkinson Dent*, *John Wilson Fletcher*, *Henry Fisher*, *Isaac Fletcher*, *William Fletcher*, *Timothy Fetherstonhaugh*, *Henry Grainger*, *Joseph Harris* of *Brigham*, *Lawrence Harrison*, *William Harrison*, *Williams Hasell*, *John King Hasell*, *William Hindson*, *Richard Grave Hindson*, *George Richard Hoskins* Clerk, *Thomas Alison Hoskins* the younger, *John Harrison*, *Joseph Harris* of *Papcastle*, *Joseph Hall*, *Richard Harbord*, *Milham Hartley*, *William Jackson* Doctor of Medicine, *Henry Jefferson*, *John Jameson*, *Robert Jefferson*, *Thomas Leathes Stanger Leathes*, *Isaac Lowthian*, *Richard Jameson*, *Richard Musgrave*, *George Hibbert Marshall*, *Reginald Dykes Marshall*, *John Monkhouse* Clerk, *John Scott Mulcaster* Clerk, *Philip Musgrave*, *John William Marshall*, *John Nicholson* of *Blind-Bothel*, *Peter Nicholson*, *John Pearson*, *William Hugh Parkin*, *James Parkin*, *William Paisley*, *Robert Pearson* Doctor of Medicine, *Michael Remington*, *John Rooke*, *Henry Railton*, *John Robinson*, *Thomas Robinson*, *Edward Bowe Steel*, *Joseph Slack*, *John Sanderson*, *James Spedding*, *John Simpson*, *Jeremiah Spencer*, *George Stagg*, *Andrew Green Thompson*, *William Thornburn*, *William Thornburn* junior, *Joseph Thompson* senior, *Henry Thompson* Doctor of Medicine, *John Troutbeck*, *George Troutbeck*, *John Thompson*, *Frederick Vane*, *Christopher Hilton Wybergh* Clerk, *Christopher Wybergh* Clerk, *Edward Waugh*, *Francis Wybergh*, *John Wilson*, Sir *John Benn Walsh* Baronet, *Joseph Wickham* Doctor of Medicine, *Thomas Wilson*, *William Troup Youngson*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for executing this Act.

Power to appoint additional Trustees.

VI. The Trustees may at any Meeting 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 executing this Act, in addition to the Trustees hereby appointed, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

VII. The Trustees shall hold their First Meeting at the *Royal Oak* Inn in *Keswick* in the County of *Cumberland*, or at some other convenient Place in the Neighbourhood of the Roads, on the Day of the Commencement of this Act, ar as soon after as conveniently may be, and proceed to the Execution of this Act; and the Trustees may from Time to Time adjourn themselves, to meet at such Time and Place upon or near the Roads as they shall think proper.

VIII. The

Power to appoint Committees.

VIII. The Trustees may from Time to Time appoint Committees out or their own Number to take the Care and Management of any particular Part of the Roads, or to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting, and such Committees and their Surveyor may proceed to act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Purposes of the Act.

IX. This Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of improving and keeping in repair the Roads herein-after mentioned; (that is to say,)

The Road commencing at or near the Head of *Castle Gate* in *Cockermouth*, passing by *Saint Helen's* through the Townships of *Cockermouth*, *Embleton*, *Wythop*, *Braithwaite*, *Coledale*, *Thornthwaite*, and *Underskiddaw*, to *Keswick*, and such Road shall be called "*Embleton and Wythop* Road:"

The Road commencing at the Town of *Keswick*, passing through the Townships or Divisions of *Keswick Castlerigg*, *Burns*, *Wanthwaite*, *Saint John's Threlkeld*, *Matterdale*, *Hutton Soil*, *Hutton John*, *Dacre*, *Stainton*, and *Penrith*, to the Town of *Penrith*, and such Road shall be called "*Hutton Moor* Road:"

The Road from *Keswick* through the Townships or Divisions of *Saint John's*, *Castlerigg*, and *Wythburn*, and *Legburthwaite*, to *Dunmaile Raise*, and such Road shall be called "*Dunmaile Raise* Road:"

The Road commencing at the Town of *Cockermouth*, and leading from thence to *Lorton* over *Whinlatter* to the Junction with the *Embleton and Wythop* Road at *Braithwaite* aforesaid, and such Road shall be called "*Lorton and Winlatter* Road:"

The Branch Road commencing at the *Castle* Inn, in the Parish of *Bassenthwaite*, and leading from thence by and over *Ouse Bridge* and *The High*, to the Junction with the "*Embleton and Wythop* Road," at *Saint Helen's*, in *Cockermouth*, and such Road shall be called "*High* Road."

New Roads to be made according to deposited Plans.

X. Inasmuch as Plans and Sections of the several new Roads, together with a Book of Reference thereto, have been deposited at the Office of the Clerk of the Peace for the County of *Cumberland*, the Trustees may make, form, and maintain the Roads respectively herein-after described, in the Lines and in and through the Lands delineated upon such Plans deposited as aforesaid, and described in such Book of Reference, and according to the Levels shown upon such Sections so deposited as aforesaid, together with all such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto respectively, as they may think requisite; and for the Purposes aforesaid they may take Possession

session of the Land described on such Plans and Book of Reference, making Satisfaction to the Owners thereof and other Persons interested therein, for all Damage which such Owners or other Persons may respectively sustain thereby; and the Trustees and their Surveyor and Workmen may from Time to Time enter upon such Land, and mark and stake out the same for the Purposes of this Act, at such Times and in such Manner as they shall think necessary or expedient.

Description of new Roads.

XI. The new Roads by this Act authorized to be so made and formed, and afterwards maintained, are as follows; (that is to say,)

First. A Road commencing by a Junction with the *Hutton Moor* Road, at or near the School in *Castlegate* in the Parish of *Penrith*, and passing thence through the Villages of *Greystoke* and *Motherby* into and as far as the *Hutton Moor* Road at or near *Becksis*, in the Township or District of *Hutton Soil*, and such Road shall be called "*Greystoke* Road:"

Second. A Road commencing by a Junction with the *Embleton and Wythop* Road at *High Hill Gate* in *Underskiddaw*, and thence on the East Side of *Bassenthwaite Lake*, terminating by a Junction with "*High* Road" at the *Castle* Inn aforesaid; and a Road commencing by a Junction with the "*High* Road" at or near a Place called *Rudding* in *Setmurthy*, and terminating by a Junction with *Embleton and Wythop* Road at *Braithay Hill* in *Setmurthy* aforesaid; and such Roads when formed, together with *High* Road, shall be called "*Bassenthwaite and High* Road:"

Third. A Road commencing by a Junction with the *Lorton and Whinlatter* Road at or near the Parsonage in *Cockermouth* aforesaid, and terminating at a Place called the *Square* in *Kirkgate* in *Cockermouth*.

Deviation from Lines on Plans.

XII. The Trustees may, in the Construction of the Work by this Act authorized, deviate from the Lines thereof to the Extent delineated upon the Plans, but not to any greater Extent in passing through a Town or Lands continuously built upon than Ten Yards, and not to any greater Extent elsewhere than One hundred Yards from such Lines, nor in any Case into any Land not described in the Plans or the Book of Reference, without the Consent in Writing of the Owner and Occupier of such Land; and no Deviation shall be made from the Lines of the said Works where no Limits of Deviation are shown on the Plans.

Deviation from Levels.

XIII. The Trustees may deviate from the Levels of such Works as are marked on the Section so deposited as aforesaid to any Extent not exceeding Three Feet, and upon the *Greystoke* Road, upon obtaining the Consent in Writing of the Owner and Occupier of the Land adjoining which such Deviation is intended to be made, to any greater Extent, but not exceeding Six Feet.

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

XIV. The Works by this Act authorized may be made in or through any Land delineated on such Plans, although such Land or the Situation thereof, or the Names of the Owners, Lessees, or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Plans or Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County of *Cumberland* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of such Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of such County for the Time being.

Provisions of 8 & 9 Vict. c. 18. not to apply.

XV. "The Lands Clauses Consolidation Act, 1845," does not apply to the Works by this Act authorized, nor is it incorporated with this Act.

As to Construction of certain Provisions of General Turnpike Acts.

XVI. Nothing in the Public General Acts now in force relating to Turnpike Roads in *England*, 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, or 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, and described in such Book of Reference, with or without the Consent in Writing of the Owners, Proprietors, or other Persons interested therein.

Freehold, &c. of Lands to remain in Owners of adjoining Lands.

XVII. The Freehold and Inheritance in the Land 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 Land so purchased.

Trustees to have Power of digging and using Land, &c.

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

Powers for compulsory Purchases limited.

XIX. The Powers of the Trustees for the compulsory Purchase of Land for the Purpose of the Works by this Act authorized, and shown on such Plans, shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

XX. The

Period for Completion of Works.

XX. The Works by this Act authorized and shown on the Plans may be completed within Four Years from the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given for executing such Works shall cease to be exercised.

Respecting Toll Gates.

XXI. Subject to the Provisions contained in this Act the several Turnpikes and Toll Houses now standing or being upon the Roads or on the Sides thereof shall be continued until removed by an Order of the Trustees; and the Trustees may order and cause to be set up in or across the Roads, or on the Sides thereof, any Turnpike and Toll House, and remove the present or any future Turnpike as they shall think proper: Provided always, that no Turnpike shall be removed, erected, of set up upon or across the Roads, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled, *An Act to amend the Acts for regulating Turnpike Roads.* 9 G. 4. c. 77.

Castlegate Turnpike to be removed, &c.

XXII. The Trustees shall within Six Months after the Commencement of this Act remove the present Turnpike called *Castlegate* Turnpike, near *Penrith*, and they may instead thereof erect a Turnpike on or near the Side of the *Greystoke* Road, within the Distance of Three hundred Yards from the Junction of the *Newton* Road with the *Greystoke* Road, and it shall not be lawful for the Trustees to erect any other Turnpike upon the *Greystoke* Road, unless a Communication shall be made into *Gilwilly* Lane near the Town of *Penrith*, whereby Horses or Carriages may enter the Town of *Penrith* from *Newton* without Payment of Toll, in which Case the Trustees may erect a Side Bar or Chain near the North-west End of the Bridge over the *Lancaster and Carlisle* Railway.

Power to take Tolls.

XXIII. The Trustees may demand and take at the several and respective Turnpikes which shall be upon or on the Sides of the Roads such Tolls as the Trustees may direct, not exceeding the Tolls following; (that is to say,)

For every Horse or other Beast of Draught drawing any Coach, Landau, Chariot, Chaise, Phaeton, Omnibus, Chair, Gig, Hearse, Litter, Tax Cart, or other such Carriage, or any Cart or Carriage on Springs, Sixpence:

For every Horse or other Beast of Draught (except an Ass), drawing any Waggon, Cart, or other such Carriage, not being on Springs, Fourpence:

For every Ass drawing any Waggon, Cart, or other such Carriage, Twopence:

For every Carriage or Vehicle propelled or drawn by Steam Machinery or other Power (except Animal or Manual Power), One Shilling for each Wheel of such Carriage:

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

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

And for every Drove of Calves, Swine, Sheep, or Lambs, Fivepence *per* Score, and so in proportion for any greater or less Number.

As to the Fraction of a Halfpenny in Tolls.

XXIV. 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.

Tolls to be paid but once a Day.

XXV. In case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any Turnpike, such Horse, Beast, or Cattle shall, upon a Ticket being produced, denoting the Payment thereof on the same Day, be permitted to pass Toll-free through the same Turnpike, and also through such other Turnpikes (if any) as the Ticket for such Payment shall denote to be free, at any Time or Times during the same Day (except as herein-after mentioned).

Tolls on Horses drawing different Carriages.

XXVI. The Tolls by this Act made payable in respect of Horses or Beasts drawing any Carriage or Vehicle whatsoever, shall be paid for every Time during the same Day that any such Horse or Beast shall pass through any Turnpike on the Roads drawing any laden Carriage or Vehicle, other than that which such Horse or Beast shall have been employed in drawing at any former Time during the same Day, when Tolls shall have been paid in respect of such Horse or Beast.

Stage Coaches to pay every Time of passing.

XXVII. The Tolls hereby made payable shall be paid for in respect of all Horses or Beasts drawing any Stage Coach, Waggon, or other Stage Carriage employed in carrying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing and repassing along the Roads; Provided always, that no further or additional Toll shall be payable in respect only of the Horses or Beasts drawing any such Stage Coach, Waggon, or other Stage Carriage having been changed,

Postchaises on every new Hiring.

XXVIII. The Tolls hereby made payable shall be paid for and in respect of the Horses or other Beasts let out to Hire, and drawing any Postchaise or other such Carriage, every Time such Postchaise or other such Carriage shall pass along the Roads whenever a new Hiring thereof shall take place.

XXIX. Not

Limiting the Number of Tolls to be taken.

XXIX. Not more than the Number of full Tolls herein-after mentioned shall be taken upon the Roads for the same Horses, Beasts, Cattle, Animals, and Carriages passing and repassing through all or any of the Turnpikes erected or to be erected across or on the Sides of the Roads, in any One Day; (that is to say,)

On "*Hutton Moor* Road," Two full Tolls:

On "*Dunmaile Raise* Road," Two full Tolls:

On "*Embleton and Wythop* Road," Two full Tolls:

On "*Lorton and Whinlatter* Road," Two full Tolls:

On "*Greystoke* Road," One full Toll:

On "*High* Road," or on "*Bassenthwaite and High* Road," Two full Tolls.

Limiting the Power of taking Toll on Greystoke Road until Money laid out on same.

XXX. Provided always, That after the First Day of *October* One thousand eight hundred and fifty-seven, the Trustees shall not collect any Toll on the *Greystoke Road* unless and until they shall have laid out and expended the Sum of Four hundred Pounds in widening such Road, and in improving the present Level of such Road at *Pallot* Hill and *Putnam* Hill.

Limiting the Amount of Money to be borrowed.

XXXI. The Money which the Trustees may borrow and take up at Interest on the Credit of the Tolls to be collected upon the Roads shall not exceed in the whole the Sum of One thousand eight hundred Pounds.

Application of Money to be borrowed.

XXXII. The Money which the Trustees may borrow and take up at Interest on the Credit of the Tolls to be collected on the Roads shall be applied,

First, In defraying the Charges and Expenses of or incident to obtaining and passing of this Act:

Secondly, In making and forming the new Roads by this Act authorized to be made and formed, in fencing off such Roads respectively, and in erecting and providing Toll Houses and Turnpikes where necessary, with the necessary Appurtenances to the same.

Sum of Money to be paid annually to Surveyors of Highways of Newton.

XXXIII. Whereas a Portion of the Tolls collected on the *Greystoke* Road is paid by Persons travelling to and from the Parish of *Newton*, and it is expedient that a Portion of such Tolls should be applied in repairing the Highways in such Parish; therefore the Trustees shall pay annually to the Surveyors of the Highways of the said Parish the Sum of Ten Pounds to be by them applied to the Repair and Maintenance of such Part of the Highways of such Parish as lies between the Village of *Newton* and *Penrith*.

Application of Tolls.

XXXIV. All Monies in the Hands of the Trustees, and all Monies which shall be received by them by virtue of this Act, (except any

Principal Money which shall be borrowed on the Security of the Tolls by this Act granted,) shall be applied as follows; (that is to say,)

First, In defraying the Charges and Expenses of or incident to obtaining and passing of this Act, or so much thereof as shall not be defrayed out of Money to be borrowed on the Credit of the Tolls to be collected on the Roads:

Secondly, In paying the Expenses of erecting, providing, altering, and keeping in repair the Turnpikes, Toll Houses, and Weighing Machines, and their Appurtenances, and in paying the Salaries and Compensation to be made to Officers and other Persons employed by the Trustees, and the Costs attending the Management of the Roads, but so that the total Amount to be expended in any One Year in defraying such Expenses, exclusive of the Salaries of the Toll Collectors, and the Costs of Actions, Suits, Indictments, and Prosecutions, and Proceedings before Justices of the Peace, shall not exceed the Sum of One hundred and eighty Pounds:

Thirdly, In paying the Interest from Time to Time due, but at a Rate not exceeding the Sum of Four Pounds *per Centum per Annum*, upon any Money borrowed and taken up at Interest under the Authority of this Act on the Credit of the Tolls to be collected on the Roads:

Fourthly, In paying the Interest from Time to Time due, but at a Rate not exceeding the Sum of Three Pounds *per Centum per Annum* upon the said Principal Sum of Thirteen thousand one hundred and nine Pounds and Five Shillings, or thereabouts, or on so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the Roads:

Fifthly, In setting apart and appropriating annually a Sum of Money equal to the Sum of Ten Pounds *per Centum* on the Amount of any Money borrowed and taken up at Interest under the Authority of this Act, until such Principal Money shall be fully paid off and discharged:

Sixthly, In paying the Expenses of improving and keeping in repair the Roads and the Fences adjoining the same respectively, and in paying to the Surveyors of the Parish of *Newton* the Sum by this Act directed to be paid to them, but to an Amount not exceeding Eight hundred Pounds in any One Year: Provided always, that One Twelfth Part of such Amount shall be expended annually on the *Greystoke* Road:

Seventhly, In reducing, paying off, and discharging, in manner herein-after provided, such Sum of Thirteen thousand one hundred and nine Pounds and Five Shillings, or thereabouts:

Lastly, In further paying the Expenses of improving and keeping in repair the Roads.

XXXV. When

As to the Mode of discharging Debt.

XXXV. When and so often as the Sum applicable to the Discharge of any Principal Monies for the Time being due on the Credit of the Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall apply such Sum in the Payment of a proportionate Part of such Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such Sum shall be so applied, cause Notice to be given of the intended Application of such Sum in a Newspaper published in the County of *Cumberland*, or by Letter addressed to each Mortgagee, and the Trustees shall apply such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of Moneys owing on the Credit of such Tolls to the Creditor in such Class who shall, by Proposal in Writing, transmitted to the Clerk of the Trustees, have offered to accept the lowest Composition in respect of such Moneys, and after Payment to such Creditor as aforesaid, the Trustees shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Payment of other Moneys owing on the Credit of such Tolls to the Creditor in such Class who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Money 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 Creditors, by such Proposal as aforesaid, shall have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between or amongst such Creditors, or pay such Composition rateably between or amongst such Creditors 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 so far as may be necessary in or towards the Discharge of the Moneys to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Creditors in such Class on such Tolls, or may pay the same to such of them as may be determined by Lot or otherwise, as the Trustees shall think fit.

Mortgagees to take possession for Arrears of Interest only.

XXXVI. Whenever and so long as the Interest upon the Debt for the Time being, due according to the Provisions of this Act, shall be duly paid within Three Months next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the Roads shall be entitled to enter into Possession of any Turnpike, Toll House, or Building upon the Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into Possession of such Turnpike, 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 existing Mortgages in the Order by this Act directed, and without any Priority or Preference between Mortgagees of the same

same Class, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in Possession or Receipt as aforesaid shall, within Twenty-one Days next after each of the Half-yearly Days whereon the Interest on such existing 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 Accounts that the Interest due on such Mortgages up to the last of such Half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied or provided for, 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 the said Turnpike, Toll House, and Building, and the Receipt of the Tolls and of any such Rent as aforesaid, to the Trustees, or any Person appointed by them to receive the same; anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

Roads not exempt from Provisions of General Acts.

XXXVII. Nothing in this Act contained shall exempt the Roads comprised in this Act from the Provisions of any General Act relating to the Consolidation or other Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

XXXVIII. This Act shall commence on the First Day of *November* 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:
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