ANNO NONO

GEORGII IV. REGIS.

Cap. XX.

An Act for making and maintaining a Turnpike Road from the City of *Carlisle* in the County of *Cumberland*, by way of *Warwick Bridge*, to the Market Town of *Brampton* in the said County.

[3d *April* 1828.]

WHEREAS the Road leading from the City of *Carlisle* by *Warwick Bridge* to the Market Town of *Brampton* in the County of *Cumberland*, is out of repair, narrow, and incommodious for the passing of Cattle and Carriages, and cannot be made more direct, nor be effectually widened and kept in repair by the ordinary Course of Law; and it would be of great Convenience and Advantage, not only to the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments upon or adjoining the Line of the said Road, but to the Public at large, if the said Road were amended, widened, diverted, repaired, and made Turnpike: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas another Act was passed in the Fourth Year of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His said present Majesty, to amend the General Laws now in force for regulating Turnpike Roads in that Part of* Great Britain *called* 3 G. 4. c. 126. 4 G. 4. c. 95.

called England: And whereas an Act was passed in the Fifth Year of
5 G. 4. c. 69. the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas an Act
7 & 8 G. 4. c. 24. was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England: 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

Trustees. assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace acting for the Time being for the County of *Cumberland*, together with *John Smith Bond*, *John Blow*, *William Carrick*, *James Connell*, *Peter Dixon*, *William Dobinson*, *William Smith Denton*, *Thomas Elliot* M.D., *James Fairbairn*, *John Forster* of *Newtown*, *John Ferguson*, *William Gate*, *Fergus Graham* Clerk, *William Graham* Clerk, *Nathaniel John Hollingsworth* Clerk, *Henry Howard* the younger, *Thomas Coulthard Heysham*, *William Hodgson*, *John Heysham* Clerk, *Richard Lowry* of *Durnhill*, *Robert Mounsey*, *George Stephenson Mounsey*, *James Mounsey*, *George Gill Mounsey*, *John Machell*, *William Porter*, *Thomas Parker*, *John Richardson*, Sir *Hugh Dalrymple Ross*, *William Rees* Clerk, *Thomas Ramshay*, *John Ramshay*, *Joseph Railton*, *William Stordy*, *Joseph Schollick*, *John Studholme*, *Elihu Sutton*, and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed Trustees for making, amending, widening, diverting, improving, and maintaining in repair the said Road, and for otherwise putting this Act into Execution.

Powers of General Turnpike Acts extended to this Act. II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are varied, altered, or repealed, and also the said recited Act passed in the Fourth Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are varied, altered, or repealed, and also the said recited Acts passed in the Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Power to appoint additional Trustees. III. 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 and appoint any Number of Persons, being duly qualified as directed by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, (not exceeding Three in the whole at any one Meeting, in addition to the Number of Trustees herein named and appointed,)

pointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meeting of Trustees.

IV. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the House called or known by the Name of the *Bush Inn* in the City of *Carlisle*, or at some other convenient Place in the Neighbourhood of the said Road, on the Second *Saturday* next after the passing of this Act, or so soon after as conveniently may be; and the said Trustees shall and may then and from Time to Time adjourn to and meet at such Times, and at such Place or Places in the Neighbourhood of the said Road, as they shall think proper.

For erecting Turnpikes, &c.

V. And be it further enacted, That it shall be lawful for the said Trustees to erect and set up or build, or cause to be erected, set up, or built, upon, in, or across the said Road, or any Part thereof, or on the Sides thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also One or more Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near each Gate, Bar, Chain, or Weighing Machine, and to take in and inclose on the Sides of the said Road suitable Garden Spots for the same respectively, not exceeding One Eighth Part of a Statute Acre each, as they shall think necessary, and from Time to Time to take down and remove, or alter or discontinue the same, or any of them, as they the said Trustees shall think proper, and direct or appoint.

Power to take Tolls.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at the several and respective Toll Gates or Turnpikes, or Side Gates or Side Bars or Chains, or Toll Houses, which shall be erected or placed by virtue of this Act in, upon, across, or on the Side or Sides of the said Road, 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); that is to say,

Tolls.

For each and every Horse or other Beast drawing any Coach, Landau, Chariot, Curricle, Berlin, Phaeton, Calash, Hearse, Stage Coach, Diligence, Van, Caravan, Chaise, Chair, Gig, or other such like Carriage, any Sum not exceeding Sixpence:

For each and every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage, any Sum not exceeding Four-pence:

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

For every Drove of Oxen, Cows, or other Neat Cattle, any Sum not exceeding Eight-pence *per* Score; and so in proportion for any less Number:

And

And for every Drove of Calves, Sheep, Lambs, Hogs, or Swine, any Sum not exceeding Four-pence *per* Score; and so in proportion for any less Number:

Which said respective Sums of Money or Tolls shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast or Cattle whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar or Chain, which shall be erected or placed by virtue of this Act upon or across the said Road or any Part thereof, or on the Sides thereof; which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls to be paid but once a Day.

VII. Provided always, and be it further enacted, That no more than One full Toll in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) shall be demanded or taken for or in respect of the same Horse or Horses, or other Beast or Beasts, or Cattle, drawing the same Coach, Chariot, Chaise, Waggon, Cart, or other Carriage, or for or in respect of the same Horse, Mule, Ass, or other Beast or Cattle, laden or unladen and not drawing, or for or in respect of the same Oxen or Ox, Neat Cattle, Calves, Swine, Sheep, or Lambs, for passing and repassing through all or any of the Gates along the Line of the said Road, except as herein-after mentioned.

Stage Coaches to pay each Time of passing.

VIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Post Chaises on every new Hiring.

IX. 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 along the said Road whenever any new Hiring thereof shall take place.

Exemptions.

X. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains, to be erected upon, across, or by the Sides of the said Road, for any Horse, Beast, or other Cattle, or Carriage, used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Dung, Soil, Compost, or Manure (except Lime) for improving Lands; or any Gravel, Stones, Timber, Sand, or other Materials for the building, rebuilding, or repairing of any present or future Toll House or Toll Gate to be erected on the said Road under this Act; or any Grain, Flour, or Meal going to the Mill to be ground, or returning therefrom, provided that such Grain, Flour, or Meal shall be for the private Family Consumption of the

the Owner thereof; and if any Person or Persons shall claim or take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Cases the Proof of Exemption shall lie upon the Person claiming the same; and such Penalties shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in the like Manner as any Penalty or Forfeiture for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll or other Exemption on any Turnpike Road may by Law be levied or recovered, and one Moiety of such Penalties shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer to the said Trustees, and applied or disposed of for the Purposes of this Act.

Subscribers to pay their Subscriptions.

XI. And be it further enacted, That the several and respective Persons who have already subscribed for or agreed to advance any Money for or towards the repairing or improving or making Turnpike the said Road, shall and they are hereby required to pay the Sum or Sums of Money so subscribed, within such Time and Times, and in such Parts and Proportions as is or are expressed in the Writing subscribed by them or on their Behalf, or as the said Trustees shall order and direct, and the same shall be paid to such Person or Persons as the said Trustees shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for the same in the Name of any one of such Trustees or of their Clerk, and to recover the same, together with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed; and all such Monies shall be vested in the said Trustees, and applied as herein-after mentioned.

Application of the Tolls and Money borrowed.

XII. And be it further enacted, That out of the Monies already subscribed or to be subscribed or advanced for repairing or improving or making Turnpike the said Road, the said Trustees shall in the first place pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act, with Interest for the same, and the Remainder of all such Monies so subscribed or to be subscribed or advanced, and all Monies which shall be borrowed on the Credit of this Act, and all Monies to arise by Receipt of the Tolls granted by this Act or otherwise, shall be applied in defraying the Expences of making, amending, widening, diverting, and improving the said Road, and purchasing Land and Hereditaments and Materials for the Purpose, and of erecting, making, or providing and keeping in repair Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, and Toll Houses, with Outhouses and Conveniences thereto; and of making, erecting, or providing Footpaths, Causeways, Bridges, Banks, Ditches, Fences, Rails, Posts, Boards, Lamps, Books, and other requisite Matters and Things, and for carrying the Purposes of this Act into Execution; and after Payment of all such Expences, the

the Remainder (if any) of such Monies shall from Time to Time be applied in keeping down, in the first place, the Interest of the Monies subscribed or advanced for the Purposes of this Act, and which may be borrowed on the Credit of this Act, and in the next place in amending and keeping in repair the said Road, and the Footpaths, Causeways, Bridges, Banks, Ditches, Fences, Rails, Posts, Boards, Lamps, and other Matters and Things thereon, and lastly in repaying the Principal Monies subscribed or advanced for the Purposes of this Act, or which shall be borrowed for the Purposes of this Act, or on the Credit thereof.

Power to make the Road.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to make, widen, and divert the said Road upon, in, over, or through any private Lands, Grounds, or Hereditaments, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for any Damage they may sustain thereby; and also in, upon, over, or through any Commons or Waste Lands, without making any Satisfaction for such Commons or Waste Lands, of such Width or Dimensions as they shall think proper, not exceeding Sixty Feet, together with such Footpaths, Causeways, Bridges, Arches, Banks, Culverts, Ditches, Drains, and Fences on the Line of the said Road, as they shall think necessary or expedient; and it shall also be lawful for the said Trustees, and for their Surveyors or Surveyor and Workmen, from Time to Time to enter upon the Lands and Premises or Hereditaments through which or whereupon such Road, Footpaths, Causeways, Bridges, Arches, Banks, Culverts, Ditches, Drains, and Fences is or are intended to be made or pass, and also upon any adjoining Lands or Grounds, to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon such Lands or Premises respectively, for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

The Map or Plan deposited at the Office of the Clerk of the Peace to remain there, and Road not to deviate therefrom.

XIV. And whereas a Map or Plan, describing the Line of the said Road, and the Lands, Hereditaments, and Premises through or over which the Diversions or Alterations of the same are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, Hereditaments, and Premises, have been deposited at the Office of the Clerk of the Peace for the said County of *Cumberland;* be it therefore enacted, That the said Map or Plan and the Book of Reference shall remain in the Custody 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; and the said Trustees in making the said Diversions or Alterations shall not deviate more than One

hundred Yards from the Line described in such Map or Plan, without the Consent and Approbation in Writing first had and obtained of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Premises such Deviation shall be made.

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

XV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Road, or Diversions or Alterations, into, through, across, or over the several Lands, Hereditaments, or Premises of any Person or Persons who is or are or may be Owner or Owners or reputed Owner or Owners of Lands or Premises over which the same is or are set out and described in the said Map or Plan as aforesaid, although such Lands, Hereditaments, or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, or omitted or mis-stated in the said Map or Plan or 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, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Trustees restrained from pulling down Dwelling Houses, &c. without the Consent of the Owner.

XVI. Provided always, and be it further enacted, That the Powers and Authorities given by this Act shall not extend or be construed to extend to empower or authorize the said Trustees to take or pull down, injure, or damage any Dwelling House or other Building, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, 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, or other Person interested therein, first had and obtained.

Reservation of Rights.

XVII. Provided always, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, impeach, or lessen the Rights, Powers, or Privileges of the Mayor, Aldermen, Bailiffs and Citizens of the City of *Carlisle* in anywise howsoever.

Public Act.

XVIII. 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.

Commencement and Continuance of this Act.

XIX. And be it further enacted, That this Act shall commence upon the passing thereof, and shall continue and be in force for Twenty-one, and from thence to the End of the then next Session of Parliament.

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