



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. cx.

An Act for more effectually repairing the Road from
*Carlisle to Penrith, and from Penrith to Eamont
Bridge, in the County of Cumberland.*

[29th May 1830.]

WHEREAS an Act was passed in the Twenty-sixth Year of
the Reign of His late Majesty King George the Second,
intituled *An Act for repairing the Roads from the City of* 26 G. 2. c. 40.
Carlisle to the Town of Penrith in the County of Cumberland, and from
the said Town of Penrith to Eamont Bridge which divides the Counties
of Cumberland and Westmorland: And whereas another Act was
passed in the Nineteenth Year of the Reign of His late Majesty King
George the Third, intituled *An Act for continuing the Term and altering* 19 G. 3. c. 97.
the Powers of an Act made in the Twenty-sixth Year of the Reign of
His late Majesty, for repairing the Road from the City of Carlisle to the
Town of Penrith in the County of Cumberland, and from the said Town
of Penrith to Eamont Bridge which divides the Counties of Cumberland
and Westmorland: And whereas another Act was passed in the
Thirty-eighth Year of the Reign of His said late Majesty King George
the Third, intituled *An Act for continuing for Twenty-one Years, and* 38 G. 3. c. 28.
from thence to the End of the then next Session of Parliament, the Term,
and altering and enlarging the Powers, of Two Acts made in the Twenty-
sixth Year of the Reign of King George the Second and the Nineteenth
[Local.] 31 N Year

Year of His present Majesty, for repairing the Road from the City of Carlisle to the Town of Penrith in the County of Cumberland, and from the said Town of Penrith to Eamont Bridge which divides the Counties of Cumberland and Westmorland: And whereas another Act was passed in the Forty-eighth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing the Term and altering the Powers of several Acts for repairing the Road from Carlisle to Penrith, and from Penrith to Eamont Bridge, in the County of Cumberland*: And whereas the Trustees acting in the Execution of the said several Acts have borrowed considerable Sums of Money on the Credit of the Tolls by the said Acts authorized to be taken, which still remain due and owing, and cannot be repaid, nor can the said Road be effectually amended, improved, and kept in repair, unless the Term granted and continued by the said Acts be further continued; and it would be more convenient to the said Trustees, and beneficial to the said Road, if the said recited Acts were repealed, and if further and more effectual Provisions were granted instead thereof: And whereas the present Entrance into the Town of Penrith at the South End thereof is very dangerous and inconvenient, and it would tend to the Accommodation of the Public at large if Powers were granted to divert a certain Part of the said Road so as to form a new Entrance, by making a new Line of Road diverging from the said Turnpike Road on the West Side of a Field belonging to *George Rimington*, near to the Town End of Penrith aforesaid, and extending through a Close and Garden belonging to *James Jameson*, Part of a Garden belonging to *Thomas Handley*, and a Yard, Building, and Warehouse belonging to *John Wilkinson*, and there joining the main Street in Penrith aforesaid; also to make a Branch Road communicating with the said new Line of Road, and commencing in the said Field belonging to the said *James Jameson*, and extending through the Gardens and Orchard of *William Roper*, and a Garden, Garth, and Close of *John Hindson* Esquire, and there joining a certain public Highway called *Barkhouse Lane*; and also to make a certain other Diversion of the said Road, by making a new Line of Road commencing at the North End of the Town of Penrith aforesaid, and extending along a public Highway leading past *Milestone House*, and diverging from the said public Highway in a Close belonging to *Henry Addison* a little beyond *Milestone House* aforesaid, and terminating at the East Side of a Close belonging to *John Hodgson*, and there rejoining the present Road; and which said Diversions or Alterations will pass through the Parish of Penrith aforesaid; and to abandon or discontinue such Part or Parts of the said Road as may be rendered unnecessary by making the said Diversions or either of them; but 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 Second Wednesday next after the passing of this Act the said recited Acts of the Twenty-sixth Year of the Reign of His late Majesty King George the Second, and the Nineteenth, Thirty-eighth, and

Recited Acts
repealed.

Forty-eighth Years of the Reign of His said late Majesty King George the Third, shall be and the same are hereby declared to be repealed.

II. And be it further enacted, That instead thereof this Act shall commence and be put in execution for the Term herein mentioned, for more effectually improving and keeping in repair the Road from the City of *Carlisle* to the Town of *Penrith* in the County of *Cumberland*, between a certain large Stone in *Botchergate* near the said City of *Carlisle* called the *City Bounder Stone*, and the House formerly belonging to *Thomas Harris* and now the Property of *Edward Grave* Esquire, at the North End of the said Town of *Penrith*, and also the Road from *Penrith* Town End to *Eamont Bridge* which divides the Counties of *Cumberland* and *Westmorland*, and for making and completing the said several Alterations and Diversions of the said Road, and the said Branch Road herein-before mentioned.

This Act to be executed in lieu thereof.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Cumberland* for the Time being, together with *Henry Aglionby Aglionby*, *Henry Addison*, *Thomas Atkinson*, *Joseph Atkinson*, *Joseph Bell*, *John Bowman*, *James Brougham*, *William Blamire*, *Thomas Dobson Bleaymire*, *William Bleaymire*, *James Boustead*, *John Baxter*, *John Boazman*, *William Augustus Bushby*, *William Bateman*, *James Birbeck*, *William Buchanan R. N.*, *Thomas Bousfield*, *William Crackanthorpe*, *Joseph Cowper*, *John Cowper*, *John Connell*, *James Connell*, *Lowry Calvert*, *John Dixon of Carlisle*, *Peter Dixon*, *Thomas Dixon*, *John Dixon of Norvue*, *Lancelot Story Dixon*, *William Dobinson*, *John Fenton Clerk*, *James Fairbairn*, *John Forster*, *Castlestreet*, *John Forster*, *Newtown*, *John Fawcett Clerk*, *John Fawcett*, *Henry Farrer*, *Edward Grave*, *Charles James Graham*, *William Graham Clerk*, *Charles Graham*, *Thomas Garnett*, *William Hodgson*, *William Nicholson Hodgson*, *Robert Harrington*, *Isaac Hewetson*, *Samuel Hall*, *John Lawrence Harrison*, *Lawrence Harrison*, *John Hindson*, *Richard Grave Hindson*, *Thomas Hudson*, *John Hodgson*, *Thomas Hutton*, *John Hutton*, *William Halton*, *Thomas Halton*, *John William Douglas Hebson*, *Thomas Hebson*, *John Heysham Clerk*, *Thomas Coulthard Heysham*, *James Heysham*, *Matthew Harrison*, *Andrew Fleming Hudleston*, *Thomas James*, *William James*, *Thomas Grayson James*, *John Jameson*, *Richard Jameson*, *Richard Lowry*, *Durnhill*, *Richard Lowry*, *Stanwix*, *John Lamley*, *Joseph Lowden*, *Jonathan Laidman*, *Abram Levy*, *Sir Christopher John Musgrave Baronet*, *George Musgrave*, *Joseph Martindale*, *George Martindale*, *Christopher Marvell*, *John Marvell*, *Robert Mounsey*, *George Stephenson Mounsey*, *James Mounsey*, *George Gill Mounsey*, *James Mulcaster*, *John Moore*, *John Marshall*, *William Marshall*, *William M'Call*, *John Machell*, *John Norman*, *Robert Norman*, *John Norman junior*, *John Nicholson*, *William Nanson*, *Henry Oliphant*, *Matthew Grave Parker*, *Hugh Parkin*, *John Parker*, *Anthony Preston*, *William Patrickson*, *James Parkin*, *Christopher Parker*, *William Parker*, *Hugh Patrickson*, *John Phillipps*, *John Rebanks*, *George Rimington*, *Jackson Roper*, *William Rees*

Rees Clerk, *Thomas Ramshay* junior, *John Ramshay*, *William Ramshay*, *John Railton*, *Joseph Railton*, *Joseph Richardson*, *Richard Rice* Clerk, *James Steel*, *John Simpson*, *John Stalker*, *William Sisson*, *John Studholme*, *James Salmond*, *Joseph Salkeld*, *Holme Hill*, *Joseph Salkeld*, *Penrith*, *William Thompson*, *George Tinniswood*, *George Troutbeck*, *John Ewan Troutbeck*, *John Teather*, *Thomas Wilson*, *John Wilson*, *John Lamb Waugh*, *George Wilkinson*, *John Yule*, *William 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 carrying this Act into execution.

Power to
appoint
additional
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized, 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, being duly qualified to act as Trustees of Turnpike Roads in *England*, 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.

Meetings of
Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet together at the House of *Thomas Pearson* at *Hesket-in-the-Forest* in the said County of *Cumberland* 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 One o'Clock in the Afternoon, and then and there proceed to put this Act into execution; and that a General Annual Meeting of the said Trustees shall be held at *Hesket-in-the-Forest* aforesaid; and that all other Meetings of the said Trustees shall be held at *Carlisle* and *Penrith* alternately and in rotation, the Second Meeting under this Act being held at *Carlisle*.

Tolls.

VI. And be it further enacted, That the Tolls to be taken by virtue of this Act shall not exceed the following; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Hearse, Calash, Phaeton, Curricule, Car, Gig, Van, Caravan, Whiskey, or other such like Carriage, the Sum of Sixpence:

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

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

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

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

VII. And

VII. And be it further enacted, That in case there shall be a fractional Part of a Penny in the Amount of any of the Tolls hereby granted, the Sum of One Halfpenny shall be paid in lieu of such fractional Part.

Fractional Part of a Penny in the Tolls.

VIII. And be it further enacted, That the said Trustees are hereby required to remove or discontinue the present Toll Gate and Turnpike or Toll House now standing and being at the Foot of *Botchergate* aforesaid: Provided always, that it shall be lawful for the said Trustees and they are hereby authorized and empowered to sell and dispose of the said Toll House at *Botchergate* aforesaid, with the Out-houses attached or belonging thereto, in such Manner as they shall think most advisable, without first pulling down the same; and the Money arising from such Sale or Sales shall be applied in the same Manner as the Tolls hereby made payable.

Power to remove Botchergate Toll Bar.

IX. Provided always, and be it further enacted, That no Toll shall be demanded or taken at any Toll Gate, Turnpike, or Side Gate erected or to be erected on the said Road, for or in respect of any Horses, Beasts, or other Cattle, or Carriage, carrying or conveying, or going empty to fetch, carry, or convey, or returning from carrying or conveying, any Lime to be used for Manure.

Lime for Manure to be exempt from Toll.

X. And be it further enacted, That Toll shall not be demanded or taken at more than Three Gates between the City of *Carlisle* and the Town of *Penrith*, nor at more than One Gate between the Town of *Penrith* and *Eamont Bridge*.

Number of Tolls.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees to demand and take at any Gate erected or to be erected at or near *Hesket-in-the-Forest* Double the Toll which shall be taken at any other Gate upon the said Roads.

Double Toll to be taken at Hesket.

XII. And be it further enacted, That it shall not be lawful to and for the said Trustees to demand and take at any Gate erected or to be erected at or near *Eamont Bridge* more than One Half the Toll which shall be taken at any Gate or Gates erected or to be erected at or near the North End of the Town of *Penrith*.

Half Toll at Eamont Bridge.

XIII. And be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or other Cattle through any one of the Toll Gates, Turnpikes, Side Gates, or Side Bars now erected or to be erected on the said Road, such Horse, Beast, or Cattle shall, (except as herein-after mentioned,) upon a Ticket being produced denoting the Payment of such Toll, (which Ticket the Collector receiving such Toll is hereby required to give,) be permitted, at any Time or Times during the Day on which such Payment shall have been made, to pass or repass Toll-free through the same Toll Gate, Turnpike, Side Gate, or Side Bar, and also through such other Gate or Gates, Bar or Bars, (if any,) as the Ticket for such Payment shall free.

Toll to be paid but once a Day.

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

XIV. Provided also, 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, or Stage Waggon, or other Stage Carriage or Cart 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.

XV. Provided also, and be it further enacted, That the Tolls hereby made payable for or 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 whenever any new Hiring thereof shall take place.

Application
of Tolls and
Money bor-
rowed.

XVI. And be it further enacted, That out of the Monies already received by virtue of the said recited Acts hereby repealed, and now in the Treasurer's Hands, 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 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 Road, and which may be borrowed on the Credit of this Act, and in making the Alterations or Diversions herein-before mentioned, 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.

Trustees may
purchase a
Warehouse,
&c. in Pen-
rith.

XVII. And whereas, in order to make the said Diversion and Alteration of the said Road at the South End of the Town of *Penrith*, it is necessary that the said Trustees should be authorized to purchase and take a Warehouse and small Building in the Town of *Penrith* now in the Occupation of *John Hargreaves*, and to pull down the same, and to make the said Diversion or Alteration over the Site thereof; be it therefore enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to make and complete the said several Diversions and Alterations of the said Road, and also the said Branch Road, herein-before mentioned and described, according to the Map or Plan herein-after referred to; and for such Purposes it shall be lawful for the said Trustees and they are hereby authorized and empowered to purchase and take the said Buildings, and to pull down the same, and to make the Road over the Site thereof, and also to purchase and take the Gardens, Yards, Tenements, and Hereditaments mentioned in the said Schedule.

XVIII. And

XVIII. And whereas a Map or Plan describing the Line of the said Alterations or Diversions and Branch Road, and the Lands through or over which the same are 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 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 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 Lines described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made.

Map or Plan deposited at the Office of the Clerk of the Peace to remain there, and be open to Inspection.

Trustees not to deviate from Plan.

XIX. 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.

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

XX. Provided also, and be it further enacted, That in case the said Trustees shall not purchase the Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act to the said Trustees for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Trustees restrained from using Dwelling Houses, &c. mentioned in Schedule, unless purchased in Five Years.

XXI. Provided always, and be it further enacted, That if it shall at any Time or Times appear to the said Trustees, or to a Majority of them at any Meeting to be held under or by virtue of this Act (such Majority not being less than Seven), that the Road included in this Act cannot be sufficiently repaired, and the said proposed or intended Alterations or Diversions and Branch Road made and maintained, and the Interest of the Money borrowed or to be borrowed on the Credit of the said Tolls be from Time to Time punctually paid, then and in such Case it shall be lawful for the said Trustees who shall be present at a public Meeting to be held for that Purpose at *Hesket-in-*

Power to increase the Tolls at or near Carlisle or the North End of Penrith, if necessary.

the-

the-Forest (in pursuance of a Notice to be affixed upon the Turnpike or Toll Gates which shall be then standing upon the said Road, and advertised in some Newspaper printed and published or usually circulated in the County, at least Twenty-one Days before such Meeting,) to increase to any Extent not exceeding Double the said several Tolls hereby authorized to be taken at or near the City of *Carlisle*, and at or near the North End of *Penrith*; and the Tolls so increased, doubled, and raised shall be from Time to Time collected, recovered, paid, and applied in the same Manner as the Tolls herein-before authorized to be taken are by this Act directed to be collected, recovered, paid, and applied.

No Money to be laid out on a Branch Road but what is collected thereon.

XXII. 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 any Branch Road mentioned in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, or unless the said Tolls shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act; provided also, that no more Monies shall be expended by the said Trustees in or toward the Repair of any such Branch Road than shall be collected thereon.

No Money to be expended on Streets in *Carlisle* or *Penrith*.

XXIII. Provided always, and be it further enacted, That none of the Tolls authorized by this Act to be taken upon the said Roads, nor any of the Monies raised by virtue of the said recited Acts or any of them, or to be raised by virtue of this Act, shall be paid, laid out, or expended in the Repair or Improvement of any Street within the City of *Carlisle* or the Suburbs thereof, or within the Town of *Penrith*, (except as herein-before mentioned,) nor shall any Tolls be collected therein by virtue of this Act.

Leases of Tolls may be vacated.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held within One Month next after the passing of this Act, or at any Adjournment thereof, to declare and order that all Demises, Leases and Agreements for Leases, of Tolls granted by the said former Acts hereby repealed, and of the several Toll Houses and Buildings and Appurtenances thereto belonging, shall cease and be vacated from and after One Month next after such Meeting, and from and after such Declaration and Order the same shall cease and be void to all Intents and Purposes, except as to the Right and Power of the said Trustees to receive and recover Payment of all Rents and Arrears of Rent and Payments due and to become due thereon; and the said Trustees shall and are hereby required to make a fair and just Compensation and Satisfaction to the respective Lessees of the said Tolls for any Loss or Damage which they shall sustain thereby, to be paid at such Times and in such Proportions as they the said Trustees shall deem reasonable and proper; and such Compensation and Satisfaction may be recovered by such respective Lessees, or their respective Executors, Administrators, or Assigns, from the said Trustees, in case the same shall not be paid within One Month after the same shall be due, and demanded of the Clerk or Treasurer to such Trustees, by Action of

Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*: Provided always, that in case such Trustees and Lessees respectively cannot agree upon the Amount of such Compensation and Satisfaction, the same shall and may be recovered by Action at Law as aforesaid: Provided also, that nothing herein contained shall prevent the said Trustees from entering into any new or other Agreement with all or any of the present Lessees of the Tolls, for such additional Rent for the Tolls hereby granted and made payable as they shall think reasonable and proper, for the unexpired Term of their respective Leases or Agreements.

XXV. And be it further enacted, That this Act shall be deemed Public Act. 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.

XXVI. And be it further enacted, That this Act shall commence Term of Act. and take effect upon the passing thereof, and shall thenceforth 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.

The SCHEDULE referred to in the foregoing Act.

Number on Plan.	Owners or reputed Owners.	Occupiers.	Description of Property.
11	John Wilkinson -	John Hargreaves -	A Warehouse.
12	Ditto - -	Ditto - -	A Yard and small Building.
13	James Jameson -	Thomas Philipson -	A Garden.
14	Thomas Handley -	John Gibson -	Ditto.
17	William Roper -	John Robinson -	A Garden.
18	Ditto - -	Ditto - -	Ditto.
19	Ditto - -	Himself - -	A Garden and Orchard.
20	John Hindson Esquire	Himself - -	A private Road.
21	Ditto - -	Ditto - -	A Garden.

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