

Acts were repealed, and if further and other Powers and Provisions were granted instead thereof: And whereas certain other Roads communicating with the Roads comprised in the said Acts, and herein-after described, are in bad Repair, circuitous, narrow, and incommodious; and it would tend to the Accommodation of the Public at large if the same were amended, diverted, widened, and made Turnpike: 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 *Friday* next after the passing of this Act the said recited Acts of the Thirty-fourth and Fifty-fourth Years of the Reign of His said late Majesty King George the Third shall be and the same are hereby repealed.

Recited Acts repealed.

This Act to take effect for the Purposes herein mentioned.

II. And be it enacted, That this Act shall commence and be put in execution for the Term herein mentioned, for the Purpose of more effectually improving and keeping in repair the Roads from *Longtown* to *Lyne Bridge*, from *Longtown* to the *Scotch Dyke*, from *Longtown* to the Bridge over the River *Sark*, and from *Longtown* to *Penton Bridge*, and from the Guide Post opposite *Smallstown* to the River *Sark* opposite a Place called *Allison's Bank*; and also for making, diverting, widening, repairing, and maintaining in repair the Roads leading from *Longtown* by *Hobbies Burn* to a Place called *Yules Croft*, at *Easton Hills* in the Parish of *Arthuret*, and from a Place called *Gallows Gate* in the said Parish of *Arthuret*, by *Hungry Hall* and *Rob Reed's Bog*, to a Place called *Fineview*, in the said Parish, and from *Rose Trees* in the Parish of *Kirkandrews-upon-Esk* to the East Side of the *Carlisle* and *Glasgow* Turnpike Road opposite the Hall of *Moss Band* in the said Parish, all in the County of *Cumberland*.

Trustees nominated.

III. And be it enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Cumberland*, together with *Henry Aglionby Aglionby*, *William Blamire*, *William John Charlton*, *John Dixon of Knells*, *Peter Dixon junior*, *George Scott Elliot*, *John Forster of Newtown*, *James Fawcett*, *Henry Farrer*, *William Graham Clerk, A. M.*, *Charles Graham*, *George Graham*, *Charles James Graham*, *Fergus James Graham*, *John Hodgson*, *William Hodgson*, *Thomas Coulthard Heysham*, *John Heysham Clerk*, *Joseph Holmes*, *Thomas Irwin*, *John Norman*, *Robert Mounsey*, *James Mounsey*, *George Stephenson Mounsey*, *George Gill Mounsey*, *Sir Patrick Maxwell Baronet*, *Sir Pulteney Malcolm G. C. B.*, *Thomas Pattinson Clerk*, *William Sisson*, *Rowland Stephenson*, *John Teather*, *John Studholme* *Herbert Wilkin*, and *John Yule*, 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 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 Trustees herein named; and such Persons so elected and being duly qualified shall be Trustees for

for the Purposes of this Act, and are hereby invested with the same Powers and Authorities as if they had been herein named.

V. And be it enacted, That the said Trustees shall meet at the *Graham's Arms Inn* at *Longtown* aforesaid, or at some other convenient Place within One Mile of the said Roads, on the Second *Friday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Eleven in the Forenoon and Two in the Afternoon; and shall then and there proceed to put this Act in execution, and shall and may thence and from Time to Time afterwards adjourn to and meet at such Times and at such Place or Places upon or within One Mile of the said Roads as they shall think proper.

First Meeting of Trustees.

VI. And be it 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, Berlin, Landau, Barouche, Chariot, Chaise, Chaise Marine, Chair, Curricule, Phaeton, Calash, Sociable, Car, Gig, Van, Caravan, Hearse, Litter, or other such like Carriage, the Sum of Sixpence :

Tolls.

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Nine Inches or upwards, the Sum of Two-pence; and when the Fellies of the Wheels shall be of the Breadth of Six Inches and less than Nine Inches, the Sum of Three-pence; and when the Fellies of the Wheels shall be of less Breadth than Six Inches, the Sum of Four-pence :

And for every Horse, Mare, Gelding, Mule, or Ass, laden or unladen and not drawing, the Sum of One Penny Halfpenny :

For every Score of Oxen, Bulls, Cows, Steers, or Heifers, the Sum of Eight-pence, and so in proportion for any less Number :

For every Score of Horses or Ponies, the Sum of One Shilling, and so in proportion for any less Number :

For every Score of Calves, Hogs, Sheep, Goats, or Lambs, the Sum of Two-pence, and so in proportion for any less Number :

Which said several Tolls shall commence and be payable at such Time or Times as the said Trustees shall at their first or any subsequent Meeting or Meetings direct and appoint; and in the meantime the same and the like Tolls shall be demanded and taken at the several Gates, Bars, and Chains erected and set up in, upon, across, or on the Sides of the said Roads, or any Part or Parts thereof, as are demanded and taken at the Time of passing this Act.

VII. And be it 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.

Fractions in Tolls.

VIII. And be it enacted, That not more than One full Toll shall be demanded or taken on any of the Lines of Road leading from *Longtown*, nor more than One full Toll on the Road leading from *Smallstown* to *Allison's Bank*, nor more than One full Toll on the Road from *Gallows Gate* to *Fineview*.

One full Toll only to be paid on each Line of Road.

IX. And

Tolls to be paid but once a Day.

IX. And be it enacted, That in case the full 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 or Turnpikes, Side Gates or Side Bars, now erected or to be erected on the said Roads, such Horse, Beast, or Cattle shall, 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.

Stage Coaches to pay every Time of passing.

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

Post Chaises to pay on every new Hiring.

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

Exemption from Tolls.

XII. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded or taken at any of the Turnpikes, Toll Gates, Side Gates, Side Bars, or Chains to be erected across or by the Sides of the said Roads, for any Horse, Beast, or other Cattle or Carriage carrying or conveying, or going empty to fetch or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Lime or Marl to be employed in Husbandry or for manuring of Lands.

Application of Money.

XIII. And be it enacted, That the Monies already received or to be received by virtue of the said recited Acts, and also all Monies which shall be received under this Act, shall be applied in manner following; that is to say, in the first place, in paying and discharging all Costs, Charges, and Expences which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto; in the next place, in paying and discharging any Interest which may from Time to Time be owing on the Credit of the said recited Acts, and afterwards in defraying the Expence of making, amending, improving, repairing, and maintaining the said Roads, and of otherwise executing the several Powers and Purposes of this Act; and lastly, in reducing and discharging any Principal Sum or Sums of Money which may have been borrowed or secured under or upon the Credit of the Tolls owing upon the said Roads, or which may hereafter be borrowed or secured under or upon the Credit of this Act.

XIV. And

XIV. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make and carry the said Diversions and new Lines of Road in the Direction set forth, and in, upon, over, or through any of the Lands described in the Map or Plan and Book of Reference herein-after mentioned.

Power to make the Roads.

XV. And whereas a Map or Plan describing the Lines of the said Roads hereby authorized to be diverted and widened, 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 and 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.

Map deposited at the Office of the Clerk of the Peace to be open for Inspection, and Road to be made according thereto.

XVI. Provided always, and be it enacted, That it shall be lawful for the said Trustees to make the said Roads 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 or 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 of the said County.

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

XVII. Provided always, and be it 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 Grounds planted or set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in

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

[*Local.*]

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Writing

Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained.

Public Act.

XVIII. And be it 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.

Commence-
ment and
Continuance
of this Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1830.