



ANNO NONO

GEORGIIV. REGIS.

Cap. x.

An Act for more effectually repairing and improving the Roads leading to and from the Port, Harbour, and Town of *Whitehaven* in the County of *Cumberland*. [26th March 1828.]

WHEREAS an Act was passed in the Forty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for more effectually improving the Roads leading to and from the Port, Harbour, and Town of Whitehaven in the County of Cumberland*: And whereas the Trustees appointed in or by virtue of the said Act have proceeded in the Execution thereof, and have from Time to Time, for that Purpose, borrowed several considerable Sums of Money on the Credit of the Tolls authorized to be taken on the said Roads, which Money still remains due and owing, and the same cannot be repaid, nor can the said Roads be effectually amended and kept in repair, unless the Term of the said Act is further continued: 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 an Act was passed in the Fourth Year of the Reign of His said present Majesty King George the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating*

46G.3.c.127.
3G.4.c.126.
4G.4.c.95.

[Local.] L l

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5 G. 4. c. 69. *regulating Turnpike Roads, in that Part of Great Britain called England: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty King George the Fourth, 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 was passed in the Seventh and Eighth Years of the*

7 & 8 G. 4. c. 24. *Reign of His present Majesty, intituled An Act to amend the Acts for regulating Turnpike Roads in England: And whereas it would facilitate the Execution of the Purposes aforesaid, if the said first-recited Act were repealed, and if further and other Powers and Provisions were granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by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 passing of this Act, the said recited Act of the Forty-sixth Year of the Reign of His said late Majesty King George the Third shall be and the same is hereby repealed, and instead thereof this Act shall be put in execution, for and during the Term hereinafter mentioned, for the Purposes of more effectually repairing and keeping in repair the present Turnpike Roads leading from Calder Bridge to Egremont, and from thence over Bigrigg Moor to Scalegill, and so to Whitehaven; the Road leading out of the said Road from Egremont to Whitehaven at Scragill, and from thence over the River Keekle, to a Place called Weddiker Rigg; and from the Town of Saint Bees to Whitehaven; and from the Turnpike Road leading from Cockermouth to Workington at Chapel Brow near Bridge Foot, over Clifton and Winscales Moors, to Dissington, and so to Whitehaven; and from the Whinhouse at the East End of Harrington, over Workington Moor, to Dissington aforesaid; and the Roads which lead out of the said Road from Dissington to Whitehaven, near the present Turnpike Gate, to the South End of the Town of Parton; and from the North End of the said Town of Parton till it joins the present Turnpike Road at the Smith's Shop near Moresby Hall; and the Road which leads out of the said Road from Chapel Brow near Bridge Foot, by Dissington, to Whitehaven, from and over Winscales Moor, to a certain Place called Hunday Gate, leading into the Town of Workington; and the Road leading from Wilson Pit, in the Road from Saint Bees to Whitehaven, by Green Bank and Mirehouse and Bankhouse Lane, to the said Road leading from Egremont to Whitehaven.*

Recited Act
46 G. 3. re-
pealed, and
this Act to
take effect.

Trustees not
liable to re-
pair Streets.

II. And be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies now borrowed, or hereafter to be borrowed, upon the Credit thereof, in or towards the widening, improving, or repairing any of the Streets in Whitehaven or Egremont.

Tolls liable to
Debts under
former Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and the same are hereby made subject and liable to the Payment of all Monies heretofore borrowed for making, repairing, and maintaining the said Roads, and now due and

owing upon the Credit or on account of the said former Act, or secured upon or made payable out of the Tolls thereby authorized to be taken upon the said Roads, and all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected, and also of all such other Sum or Sums of Money as shall or may hereafter be borrowed for the Purposes of or become due on the Credit of this Act, and of all Interest due and to grow due for the same respectively.

IV. 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 Act passed in the Fifth Year of the Reign of His present Majesty, and also the said recited Act passed in the Seventh and Eighth Years 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,) shall respectively be as good, valid, and effectual, and shall be acted upon, applied, practised, and put in force, for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Powers of
General
Turnpike
Acts to ex-
tend to this
Act.

V. And be it further enacted, That all Bonds, Covenants, Agreements and Securities, made or entered into by any Person or Persons, to or with any of the Trustees for executing the said recited Act of the Forty-sixth Year of the Reign of His late Majesty King George the Third, hereby repealed, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law or Equity, until the same are fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Act hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Bonds, &c.
under former
Acts to be
good under
this Act.

VI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Act hereby repealed, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Books under
former Act to
be Evidence.

VII. And

If old Securities are lost, new ones may be executed.

VII. And whereas some of the Creditors on the said Roads may have lost or mislaid the Mortgages or Assignments of the Tolls executed by the Trustees, for securing to him, her, or them the Principal Money lent on the Credit of the said Act hereby repealed, or the Tolls thereby granted, with Interest for the same, or the Transfers of such Mortgages or Assignments, and it is reasonable that in Cases where it can be proved, to the Satisfaction of the Trustees, that any Person is truly and *bond fide* entitled to any Sum or Sums of Money secured on the Tolls granted by the said last-mentioned Act, although they may not be able to produce the said Mortgage Security, that another Assignment of the Tolls hereby granted shall be executed for securing the Repayment of the Money now due on the Credit of the said Act, or Tolls thereby granted; be it therefore further enacted, That in all Cases where it shall appear by the Books kept by the Clerk or Treasurer to the said Trustees for executing this Act, or by any other satisfactory Evidence, adduced at any Meeting of the said Trustees, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls granted by the said Act hereby repealed, and that the Mortgage or Assignment of the Tolls for securing any Sum or Sums of Money, or the Transfer thereof, has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Trustees, or any Nine or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by this Act granted, for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment so to be executed shall be valid and effectual for the Purposes thereby intended.

Trustees.

VIII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the said County of Cumberland, together with the Right Honourable *William Lowther* commonly called Viscount *Lowther*, the Honourable *Henry Cecil Lowther*, *Henry Birley*, *Thomas Brocklebank*, *John Brocklebank* the elder, *John Brocklebank* the younger, *John Birley*, *Richard Barker*, *William Bowes*, *John Benn*, *William Brown*, *Joseph Burrow*, *Joseph Bell* the elder, *Joseph Bell* the younger, *John Christian Curwen*, *Wilson Fisher*, *William Fox*, *Joseph Gunson*, *Henry Gaitskell*, *John Harrison*, *Thomas Hartley*, *Milham Hartley*, *Thomas Harrison* Clerk, *Peter Hodgson*, *John Harrison*, *Joseph Harris*, *John Hudleston*, *Christopher Hobson*, *Joseph Hartley*, *Andrew Hudleston* Clerk, *Wilfrid Hudleston* Clerk, *Thomas Hartley* junior, *John Hartley*, *Samuel Irton*, *John Jackson*, *Thomas Irwin*, *Edward Carr Knubley*, *John Littledale*, *Isaac Littledale*, *Henry Lowther* Clerk, *Skeffington Lutwidge*, *Moses Mossop*, *John Ponsonby* of *Hail Hall*, *John Ponsonby* of *Spring Field*, *John Peile*, *Wilson Perry*, *Miles Ponsonby*, *Joseph Robinson*, *John Lamplugh Lamplugh Raper*, *William Randleson*, *Sir Joseph Senhouse* Knight, *Humphrey Senhouse*, *James Spedding*, *John Steward*, *William Smith*, *Alexander Scott* Clerk, *Richard Sherwen*, *James Steel*, *Edward Stanley*, *Benjamin Sproule*, *Anthony Benn Steward*, *John Wilson*, *Richard Watts*, *Joseph Watson*, *James Robertson Walker*, *William Younghusband*, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the

the Reign of His present Majesty, shall be and they are hereby appointed the Trustees for carrying the said Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, and this Act, into Execution.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at their first or any subsequent Meeting or Meetings to be holden in pursuance of this Act, to elect any Number of Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act and the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, in addition to the Trustees hereby appointed; and such Trustees so elected, and being qualified according to the Directions of the said recited Acts of the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, shall be and they are hereby invested with the same Powers and Authorities for executing this and the said recited Acts, as if they had been hereby nominated and appointed.

Power to appoint additional Trustees.

X. Provided always, and be it further enacted, That each and every Treasurer who shall have been appointed consistently with the Provisions of the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and not contrary to the Provisions and Directions of this Act, and each and every Clerk, Receiver, Collector, Surveyor, and other Officer appointed under and by virtue of the said Act hereby repealed, shall hold and enjoy such their several and respective Offices and Employments until removed therefrom by the Trustees for executing this Act; and each and every such Treasurer, Clerk, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for the Purposes of this Act, and for carrying the same into Execution, and shall be subject to the like Pains and Penalties, and to the like Power of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he had been appointed by virtue of this Act.

Former Officers to continue.

XI. And be it further enacted, That the Trustees for executing this and the said recited Acts, made in the Third, Fourth, Fifth, and Seventh and Eighth Years of the Reign of His present Majesty, shall and may and they are hereby required to meet together at some convenient Place in *Whitehaven* aforesaid, on the *Monday* next after the Commencement of this Act, or as soon after as conveniently may be, and proceed to the Execution of this and the said recited Acts.

First Meeting of the Trustees.

XII. And be it further enacted, That the said Trustees shall and may, as they shall think proper, continue or remove all or any of the Toll Gates erected by virtue of the said recited Act hereby repealed, or which shall or may be erected by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, and of this Act, or any or either of them, and shall and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or

Power to continue the present Gates, and erect others.

[Local.]

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Parts

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Parts of the said Roads, or in, upon, or across the Sides thereof respectively; and shall and may also continue, erect, or provide a Toll House, with suitable Outbuildings or Conveniences, at or near each Toll Gate or Bar; and shall and may from Time to Time remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees shall think expedient; and also shall or may take in and inclose from the said Roads, or from any Common or Waste Land adjoining such Toll Gates or Toll Houses, convenient Garden Plots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre to such Toll House.

Power to
take Tolls.

XIII. And be it further enacted, That from and after the passing of this Act the several Tolls following shall and may be demanded and taken, collected and paid, at each and every Toll Gate, Turnpike, and Side Gate now erected or to be erected upon, across, or on the Sides of the said Roads, before any Horse, Beast, Cattle, or Carriage upon which any Toll is by this Act imposed shall be permitted to pass through the same; (that is to say,)

For every Horse or other Beast of Draught drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-a-vis, Chaise, Calash, Chaise Marine, Curricule, Chair, Gig, Whiskey, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, the Sum of Sixpence:

For every Horse, 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 One Shilling and Sixpence *per* Score; and so in proportion for any greater or less Number: And,

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

Which said respective Tolls, and all other Tolls by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty and this Act imposed, and all and every Sum and Sums of Money which shall arise and be produced therefrom, shall be and the same are hereby vested in the said Trustees, and the same and every Part thereof shall be paid, applied, and disposed of and assigned in such Manner as herein-after mentioned.

Lime for
Manure ex-
empted from
Toll.

XIV. Provided always, and be it enacted, That no Toll shall be demanded or taken for any Horse, Cattle, or Beast, drawing any Cart or other Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day, any Lime employed in Husbandry for manuring or improving Land, or any other Thing employed in the manuring of any Farm or Land.

Tolls to be
paid Once for
passing and
repassing.

XV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the said Tolls to demand or take any more than One Toll from any Person or Persons whomsoever, for or in respect of the same Horse, Beast, or other Cattle, passing Once and repassing
Once

Once in the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) through the same or any other Gate or Gates, Turnpike or Turnpikes, on any of the said Roads, all and every such Person and Persons producing a Ticket denoting that such Toll hath been paid on that Day for or in respect of such Horse, Beast, or other Cattle, on the said Roads, which Ticket the said Collector is hereby required to deliver *gratis* on Payment of such Tolls.

XVI. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Cattle drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, for every Time of passing or repassing along the said Roads; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Roads, whenever a new Hiring of such Post Chaise or other Carriage shall have taken place.

Stage
Coaches and
Post Chaises,
&c. to pay
every Time.

XVII. And be it further enacted, That out of any Monies already received by virtue of the said recited Act, or out of the first Monies which shall be raised or received by virtue of this Act, the said Trustees shall, in the first place, pay and discharge all the Expences and Costs relative to the procuring and passing of this Act; and the Remainder of such Monies shall from Time to Time be employed in erecting Turnpikes, Toll Houses, Toll Gates, and Weighing Machines, and in amending, widening, altering, and improving the said Roads, and in keeping the same in repair, and in defraying all the Charges and Expences of carrying this Act into Execution, and in repaying the Principal Monies by this Act charged or to be borrowed, and the Interest due and to grow due thereon.

Application
of Tolls and
other Monies.

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.

Public Act.

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

Term of Act.

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