



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. III.

An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and altering and enlarging the Powers of Two Acts, passed for repairing, amending, and widening the Road from *Keighley*, in the West Riding of the County of *York*, to *Kirkby-in-Kendal*, in the County of *Westmorland*, so far as the same relate to that Part of the said Road which lies within the Counties of *Westmorland* and *Lancaster*. [9th July 1800.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Preamble.
Reign of His late Majesty King *George* the Second, intituled, 26 Geo. II, and
An Act for repairing, amending, and widening the Road from
Keighley in the West Riding of the County of York, to Kirkby-in-Kendal
in the County of Westmorland: And whereas an Act was passed in the
Eighteenth Year of the Reign of His present Majesty, for continuing the 18 Geo. III,
Term and altering and enlarging the Powers of the said Act; whereby recited.
the said Road was divided into Two Districts or Divisions, with separate Trustees for each; One of which Divisions lies in the County of *Westmorland* and *Lancaster*, and is commonly called *The Westmorland and Lancashire District*: And whereas great Progress hath been made in repairing and improving the said District of Road, for which Purpose a considerable Sum of Money hath been borrowed and is now due and owing on the Credit of the same, and of the Tolls authorized to be taken thereon; but the said Debt cannot be paid off, nor the said District of
[Loc. & Per.] 22 S Road

Road be maintained and kept in Repair, unless the Term of the said Acts be continued; and some of the Powers and Provisions thereof altered and amended, so far as relates to the said District; and it is necessary that the Tolls to be collected thereon should be encreased: 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 the said recited Acts, and all and every the Clauses, Powers, Provisions, Articles, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties) shall, so far as the same relate to the said District of Road, being that Part thereof which lies in the Counties of *Westmorland* and *Lancaster*, be and continue in full Force and Effect, and be executed for and during the Term herein-after mentioned, in as full, ample, and beneficial Manner, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments and Alterations herein contained, and which shall take Effect from the Commencement of this Act; and this Act, and the additional Term and the Tolls hereby granted, shall be and is and are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit, or on Account of the said District or which shall or may hereafter be borrowed and become due on the Credit or on Account of the same by virtue of the said Acts and this Act, and all Interest due and to become due for the same respectively.

Acts further continued to far as relate to the *Westmorland* and *Lancashire* District.

For appointing additional Trustees.

II. And be it further enacted, That Sir *Michael Le Fleming* Baronet, *John Fleming* Clerk, *William Barton* Clerk, Sir *John Legard* Baronet, *John Wakefield*, *John Wakefield* the younger, *Jacob Wakefield*, *Joseph Maude*, *James Gandy*, *Garnett Braithwaite*, *James Wilson*, *Jonathan Hodgson*, *William Strickland*, *George Benson*, *Joseph Sympson*, *John Thomson*, *Samuel Gowthorpe*, *Thomas Wilkinson*, *Richard Wilkinson*, *John Morland*, *John Hoggarth*, *Robert Dickinson*, *John Sowdon*, *John Ireland*, *John Ireland* the younger, *Nathan Gough*, *Anthony Gough*, *John Wilson*, *John Shutt*, *Thomas Wilson* of *Kent Lane*, *Benjamin Hunter*, *Thomas Atkinson*, *John Sympson*, *Thomas Harrison*, *Thomas Harrison* the younger, *Dillworth Crewdson*, *James Wilson*, *James Barrow*, *John Barrow*, *William Bowman*, *Robert Greenhow*, *Robert Gowthorpe*, *Richard Winfield*, *Thomas Cartmell*, *William Richardson*, *John Barton*, *Christopher Wilson*, *John Yeates*, *Anthony Yeates*, *Henry Robinson* Clerk, *William Wilson*, *James Wilson* Attorney at Law, *William Haygarth*, the Mayor, Aldermen, and Recorder of the Borough of *Kendal* for the Time being, *Anthony Wilson*, *William Moore* Clerk, *Richard Wilson*, *William Bateman*, *Edward Johnson*, *William Johnson*, *Roger Dickinson*, *Simon Crossfield*, *Joseph Backhouse*, *Bateman Backhouse*, *Daniel Wilson*, *Edward Wilson*, *Thomas Sill*, *Henry Sill*, *John Yeats*, *John Savage*, *William Atkinson*, *William Waltham Atkinson*, *John Hutton* Clerk, *William Hutton* Clerk, *Thomas Talbot*, *Edward Tomlinson*, *Joseph Sharp* Clerk, *William Dent*, *Henry Bickersteth*, *William Birdsworth*, *Dobson* Clerk, *Richard Thornton*, *William Wilson*, *Carus Wilson*, *Joseph Gibson*, *James Harrison*, *William Moore*, *John Hunter* Cook, *Edward Rawlinson*, *William Gibson*, *John Satterthwaite*, *John Upton*, *John Wadson*, *Richard Bowman*, *John Rowlandson*, *George Welsh*, *John Tatham*, and *Edward Tatham*, shall be and they are hereby added to and joined with the Trustees appointed by or in pursuance of the said former Acts, for putting the same and this Act in Execution; and the Trustees hereby nominated, and their Successors, (being qualified according

ing to the Directions of the said first recited Act), are hereby empowered to act in the Execution of the said former Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said former Acts or either of them.

III. And be it further enacted, That the Tolls authorized to be collected by virtue of the said recited Acts, upon the Road within the said *Westmorland* and *Lancashire* District, except on such Part thereof as lies between the Market Town of *Kirkby Lonsdale*, and *Kirkby-in-Kendal*, in the said County of *Westmorland*, shall cease and be no longer paid or payable; and that instead thereof the following Tolls shall and may be demanded and taken, within the said District, except on the said Part thereof; that is to say,

Former Tolls discontinued, and other Tolls granted.

For every Coach, Chariot, Berlin, Landau, Phaeton, Chaise, Curricule, Calash, Chair, Hearse, Litter or other such Carriage, drawn by Six Horses or other Beasts of Draught, the Sum of One Shilling and Nine-pence; and drawn by Four Horses or other Beasts of Draught, the Sum of One Shilling and Three-pence; and drawn by Three Horses or other Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses or other Beasts of Draught, the Sum of Nine-pence: Tolls.

For every Chaise, Chair, or other such Carriage, drawn by One Horse or other such Beast of Draught, the Sum of Five-pence:

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

For every Drove of Oxen, Cows, or other Neat Cattle, the Sum of Sixpence *per* Score, and so in Proportion for a greater or less Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Three-pence *per* Score, and so in Proportion for any greater or less Number:

For every Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth so flat or level as not to deviate more than Half an Inch from a flat Surface, and drawn by Eight Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Six or Seven Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Two-pence; and drawn by Four or Five Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence:

For every Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling such flat or level Surface as aforesaid, and drawn by Four or Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Nine-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Five-pence:

For every Four-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Six Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Sixpence; and drawn by Five Horses, Oxen, or other Beasts of Draught, the Sum of One Shilling and Two-pence; and drawn by Four Horses, Oxen, or other Beasts of Draught, the Sum of Ten-pence:

For every Two-wheeled Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, and drawn by Four Horses, Oxen, or other

other Beasts of Draught, the Sum of One Shilling and Two-pence; and drawn by Three Horses, Oxen, or other Beasts of Draught, the Sum of Ten-pence; and drawn by Two Horses, Oxen, or other Beasts of Draught, the Sum of Sixpence; and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Two-pence:

For every Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof under the Breadth or Gauge of Six Inches, and drawn by One Horse, Ox, or other Beast of Draught, the Sum of Three-pence:

For every Waggon, Wain, Cart, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and not rolling such flat or level Surface as aforesaid, or having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth or Gauge than Six Inches, (unless drawn by One Horse, Ox, or other Beast of Draught only), and for the Horses, Oxen, or other Beasts drawing the same respectively, such respective Tolls and Sums of Money as shall amount to Double the several Tolls and Sums of Money herein-before enumerated, and made payable, in respect of Waggons, Wains, Carts, or other such Carriages, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling such flat or level Surface as aforesaid.

All which said several Tolls are hereby vested in the Trustees for the said District; and the said Tolls and every Part thereof shall and may be demanded, collected, recovered, applied, and disposed of in such Manner, and for such Uses, Intents, and Purposes, as are directed by the said recited Acts with respect to the Tolls thereby authorized to be taken within the said District.

Tolls for Carriages carrying Coals.

IV. Provided always, That nothing in this Act contained shall authorize the said Trustees to demand or take for any Waggon, Wain, Cart, or other such Carriage, going empty for, or returning laden with, or empty after having been laden with Coals only, and for the Horses, Oxen, or other Beasts drawing the same respectively, any greater Toll or Duty than One Moiety or equal Half Part of the several and respective Tolls and Sums of Money herein-before granted or made payable for or in respect of Waggons, Wains, Carts, or other such Carriages, Regard being had to the Breadth or Gauge and Flatness of the Soles or Bottoms of the Fellies of the Wheels thereof, and to the Number of Horses, Oxen, or other Beasts drawing the same respectively.

No more than One Gate to be erected between Kirkby Lonsdale and Kirkby-in-Kendal.

V. Provided nevertheless, and be it further enacted and declared, That nothing herein contained shall extend, or be construed to extend, to give any Power or Authority to the Trustees appointed or to be appointed to put the said recited Acts and this Act in Execution, to erect more than One Gate or Turnpike across any Part of the said Road between the Market Town of *Kirkby Lonsdale*, in the said County of *Westmorland*, and *Kirkby-in-Kendal* aforesaid, or to demand, receive, or take thereat any greater Tolls or Duties than those authorized to be taken on such Part of the said Road in and by the said recited Acts and this Act.

Present Exemptions discontinued, and others allowed.

VI. And whereas it is expedient that the Exemptions now allowed from the Payment of Toll upon the said Road, within the said District, should be repealed; be it therefore further enacted, That the several Exemptions allowed from Payment of Toll by the said recited Act passed in the Twenty-sixth Year of the Reign of His late Majesty, so far as relates to

to the said District, shall be, and the same are hereby declared to be repealed; and instead thereof, be it enacted, That none of the Tolls by this Act granted shall be demanded or taken for or in respect of any Carts or other Carriages employed in carrying Corn or Grain in the Straw, or Hay, Straw, Fodder, or Dung, or any Lime for the Improvement of Land, or any other Manure, or any Implements of Husbandry, or any Quantity of Stone, Gravel, or other Materials for repairing the Road within the said District, or any of the Roads in the Townships or Hamlets in which the same or any Part thereof doth lie, or in any of the adjoining Townships or Hamlets; nor for any Horses or Cattle going to or returning from Pasture or Watering Places belonging to any of the Parishes, Townships, or Hamlets in which the said Road within the said District lies, so that such Horses or Cattle do not pass through more than Two of the said Townships; nor for any Horses or Carriages employed in carrying Corn or Grist ground and used within any of the said Townships or Hamlets to or from any Mill within the same, or carrying or conveying any Rector, Vicar, or Curate to or from his own Parish Church or other Place of Divine Worship, or visiting his sick Parishioners; nor for any Carriage or Cattle carrying or conveying any Person residing in any of the said Parishes, Townships, or Hamlets, to or from Church, Chapel, or other Place of religious Worship tolerated by Law, on *Sundays* or on any other Day on which Divine Service is ordered by Authority to be celebrated, or who shall attend the Funeral of any Person who shall die and be buried in any of the Parishes aforesaid; nor for any Horses belonging to Officers or Soldiers upon their March, or upon Duty, nor for any Carriages, Horses, or other Beasts or Cattle employed in carrying or conveying the Arms or Baggage of any Officers or Soldiers, or in carrying any sick, wounded, or disabled Officers or Soldiers; nor for any Horses or Carriages of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General or his Deputies, either when employed in conveying such Mails or Expresses, or in returning back from conveying the same; nor for any Carriages or Horses employed in the Conveyance of Vagrants sent by legal Passes; nor for any Coach, Chariot, Chaise, or other Carriage or Passenger on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the said Counties of *Westmorland* and *Lancaster*, or either of them, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded.

VII. Provided always, That if any Person shall claim or take the Benefit of any of the Exemptions from Toll herein contained, not being entitled to the same, every Person so offending and being lawfully convicted thereof, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty of unjustly claiming Benefit of Exemptions.

VIII. And whereas in and by the said recited Acts, various Powers and Authorities are given to and vested in, and many Acts required to be done by not less than Seven Trustees; which Number it hath been sometimes found inconvenient to assemble in the said District; be it therefore further enacted, That any Five or more of the Trustees of the said District shall and may have Power and Authority, and they are hereby fully enabled to do and perform all and every such and the same Acts, Pro-

Five Trustees may act in Cases requiring Seven by recited Acts.

ceedings, Orders, Matters, and Things whatsoever, in and relative to the Execution of the said Two recited Acts and this Act respectively, within the said District, as Seven Trustees might or were authorized by the said Acts, or either of them, to do, perform, or execute; any Thing herein or in the said recited Acts or either of them contained to the contrary notwithstanding.

IX. And be it further enacted, That any Mortgage or Assignment of the Tolls and Money arising by virtue of this Act, to be made by the Trustees of the said District, as a Security for any Sum or Sums of Money to be borrowed for the Purposes of the said Acts and this Act, may be made in the Form, or in Words to the Effect following; that is to say,

Form of Security for Money borrowed.

BY virtue of an Act, made in the Fortieth Year of the Reign of His Majesty King George the Third, intituled, [*Here set forth the Title of the Act*], We of the Trustees for putting the said Act and the Acts thereby continued in Execution, in Consideration of the Sum of _____ paid by *A. B.* of _____ to the Treasurer of the said Road, do hereby bargain, sell, and assign, unto the said *A. B.* such Proportion of the Tolls and Money to arise upon the said Road within the said District, as the Sum of _____ doth or shall bear to the whole Sum now due or hereafter to become due on the Security thereof, to hold the same unto the said *A. B.* his Executors, Administrators, and Assigns, from the Day of the Date hereof for and during the Continuance of the said Acts, unless the said Sum of _____ with Interest for the same after the Rate of _____ *per Centum per Annum*, shall be sooner repaid and satisfied. Given under our Hands and Seals, the _____ Day of _____ in the Year of our Lord _____

And that any Assignment and Transfer to be made of any such Mortgage or Security, by any Person or Persons entitled to the Money thereby secured, may be made in the Form or in Words to the Effect following; that is to say,

Form of Transfer.

I *A. B.* of _____ or I *C. D.* of _____ Executor, or Administrator, of *A. B.* late of _____ [*or otherwise as the Case may happen to be*]; in Consideration of the Sum of _____ to me paid by *E. F.* of _____ do hereby assign and transfer unto the said *E. F.* his Executors, Administrators, and Assigns, a certain Mortgage or Security, bearing Date the _____ Day of _____ in the Year of our Lord _____ and made by virtue of an Act, passed in the Fortieth Year of the Reign of His Majesty King George the Third, intituled, [*Here set forth the Title of the Act*] with all my Right and Title, to the principal Sum of _____ thereby secured, and all Interest now due and hereafter to grow due thereon. Dated this _____ Day of _____ in the Year of our Lord _____

Trustees not to vote for Officers unless they have acted in the preceding Year.

X. And be it further enacted, That no Trustee shall be capable of voting or acting in any Nomination or Appointment of any Officer or Officers for the said District, in pursuance of the said recited Acts and this Act, upon Death or any other Vacancy, unless such Trustee shall have acted as a Trustee in the Execution of the said recited Acts or this Act at least Once within a Year preceding the Time that such Vacancy shall happen; the only Evidence whereof shall be his having signed the Order Book of the said Trustees.

XI. And be it further enacted, That all Persons to whom any Mortgage or Security hath been made by virtue of the said Two recited Acts, or either of them, or shall be made in consequence of, or under the same and this present Act, of the Tolls and Money arising, or to arise within the said District, their respective Executors, Administrators, and Assigns, shall, in Proportion to the Sums of Money thereby secured, be Creditors on the Tolls and the Money arising by virtue of the said Acts and this Act, in equal Degree one with another, and shall have no Preference in respect of the Priority of having advanced their Monies, or of the Dates of their respective Securities.

No Priority among Mortgagees.

XII. And be it further enacted, That all the Charges and Expences of or incident to the obtaining and passing of this Act, shall be paid by the said Trustees of the said District, or any Five or more of them, out of any Money already raised by virtue of the said recited Acts, or either of them, or out of the First Monies to arise by virtue of the said Acts and this Act, in Preference to all other Payments whatsoever.

For paying the Expences of this Act.

XIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as in the said first recited Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees of the said District, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, and Hereditaments, which shall be so purchased, taken or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time

Application of Compensation where exceeding 200 l.

to

to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation does not exceed 200 l. nor less than 20 l.

XIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20 l.

XV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Trustees or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Publick Act.

XVI. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Term of the Act.

XVII. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the Third *Monday* next after the Day of the passing hereof, cease and determine, and that the said Acts and this Act shall from thenceforth continue and be in Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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