



ANNO TRICESIMO NONO

GEORGI II. REGIS.

Cap. 24.

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 in the Third and Twenty-fourth Years of the Reign of His present Majesty King *George* the Third, for repairing, widening, and keeping in Repair, the Road from *Kirkby Kendall*, in the County of *Westmoreland*, to *Kirkby Ireleth*, in the County of *Lancaster*. [10th May 1799.]

WHEREAS an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Third, intitled, *An Act for repairing, widening, and keeping in Repair the Road from Kirkby Kendall, in the County of Westmoreland, to Kirkby Ireleth, in the County of Lancaster*: And whereas another Act was passed in the Twenty-fourth Year of the Reign of His said present Majesty, for continuing and enlarging the Term and Powers of the said former Act: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same in Execution, for which Purpose they have borrowed several considerable Sums of Money on the Credit thereof, which still remain due, and cannot be repaid, nor can the said Road be properly amended, improved, and kept in Repair, unless the Term and Powers of the said Acts be further continued and enlarged: 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, passed in the Third and Twenty-fourth Years of the Reign of His said present Majesty, and all and every the Authorities, Powers, Privileges, Provisions, Penalties, Clauses, Matters, and Things therein contained, (except such as relate to Exemptions from Stamp Duties), shall be and continue in full Force, and be executed for and during the

Preamble.

3 Geo. III.

24 Geo. III.

Acts further continued.

[Loc. & Per.]

Term

Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein particularly repeated and re-enacted, but subject nevertheless to the Amendments, Alterations, and Additions herein contained, and which shall commence and take Effect upon the Thirteenth Day of *May* One thousand seven hundred and ninety-nine; and this Act, and the Tolls, and the additional Term hereby granted, shall be and are hereby made subject and liable to the Payment of all Money now due and owing upon the Credit or on Account of the said former Acts, or either of them, or hereafter to be borrowed or become due on the Credit of the said former Acts and this Act, and of all Interest due and to grow due for the same respectively.

Appointment
of additional
Trustees.

II. And be it further enacted, That Sir *Michael Le Fleming* Baronet, *John Burn*, *James Wilson*, *Thomas Sill*, *George Wheatley*, *William Moore*, the Reverend *Josiah Lambert*, *Jackson Harrison*, *Wilkinson*, *Anthony Yeates*, *Thomas Harrison*, and *Thomas Harrison* the younger, shall be, and they are hereby added to and joined with the Trustees appointed in or by virtue of the said former Acts, or either of them, for putting the same and this Act in Execution; and the Trustees hereby nominated, together with those nominated and appointed Trustees in or by virtue of the said former Acts, and their Successors, being qualified according to the Directions of the said first-recited Act, are hereby empowered to act in the Execution of the said Acts and this Act, as fully and effectually, to all Intents and Purposes, as if they had been appointed Trustees by the said former Acts, or either of them.

For repealing
an Exemption
from Toll in
the first Act.

III. And whereas by a Clause in the said first-recited Act, it is among other Things enacted, That no Tolls shall be demanded or taken for any Cattle or Carriage laden with Iron Ore going to *Coneyside Bank*, or returning having delivered such Lading; which Exemption from Toll is prejudicial to the said Road: Be it therefore further enacted, That so much of the said Act as enacts that no Tolls shall be demanded or taken for any Cattle or Carriage laden with Iron Ore going to *Coneyside Bank*, or returning as aforesaid, shall be and the same is hereby declared to be repealed.

Former Tolls
repealed, and
new Tolls
granted.

IV. And whereas the Tolls by the said first-recited Act granted have been found insufficient for the proper Improvement and Repair of the said Road; be it therefore enacted, That the said Tolls shall, from and after the said Thirteenth Day of *May* One thousand seven hundred and ninety-nine, cease, determine, and be no longer paid; and that instead thereof the respective Tolls following shall be demanded and taken at the several and respective Gates or Turnpikes which have been or shall be erected in, upon, or on the Side of the said Road; (that is to say),

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Chariot, Chaise, Curricule, Hearse, Calath, Chair, Pleasure Cart, Taxed Cart, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Cart, or other such Carriage, (except as herein-after mentioned), the Sum of Three-pence:

For every Horse or other Beast of Burden, laden or unladen, and not drawing, the Sum of One-penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Three-pence *per* Score, and so in Proportion for any less Number:

For

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

Provided always, That no more than One Penny shall be demanded or taken for any Horse or other Beast laden with Peat or Turf, or drawing any Carriage laden therewith, or unladen, going to fetch Peat or Turf; nor more than One Halfpenny for any Cart, or other such Carriage laden with Iron Ore going to *Coneyside Bank*, or returning having delivered such Lading:

Which said several Tolls by this Act authorized to be taken, shall be and the same are hereby vested in the Trustees of the said Road; and the same and every Part thereof, shall be collected, recovered, levied, paid, applied, assigned, lessened, varied, and disposed of, in such and the same Manner, and by such and the same Ways and Means, and with such Remedies for Non-payment or Evasions thereof, and with such Powers, Provisions, Exemptions, and Restrictions, as are contained in the said former Acts, or either of them, respecting the Tolls thereby authorized to be taken.

V. And be it further enacted, That the Money or Recompence to be paid for any Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used by virtue of the Powers of the said Acts and this Act, for the Purposes thereof, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity, as in the first-recited Act particularly mentioned, shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations, as the said Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money shall 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 there, *ex parte* the Trustees for executing the said Acts and this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Trustees or any Five or more of them, and until the same shall, upon a Petition, setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way; by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall

For disposing
of Purchase
Monies.

and

and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust with all convenient Speed to be re-invested in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premises, which shall be purchased from them respectively by the said Trustees, were respectively settled, limited, or assured to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the Trustees, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled, by virtue of this Act; and in case any such Money shall be less than the Sum of Twenty Pounds, then the same shall be paid to the Person or Persons, Party or Parties, respectively entitled thereto.

Paying the
Expences of
the Act.

VI. And be it further enacted, That all Charges and Expences of obtaining and passing this Act, shall be defrayed out of any Money already collected or received by virtue of the said former Acts, or either of them, or out of the first Monies to arise by virtue of the said former Acts and this Act, in preference to all other Payments whatsoever.

Publick Act.

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

Term of this
Act.

VIII. And be it further enacted, That the Term granted and continued by the said recited Acts shall, upon the said Thirteenth Day of *May* One thousand seven hundred and ninety-nine, cease and determine; and that the said Acts (subject as herein-before mentioned) and this Act, shall from thenceforth 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.