



ANNO QUADRAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 20.

An Act for continuing the Term, and altering and enlarging the Powers of Two Acts, of the Second and Twenty-third Years of His present Majesty, for amending the Road from *Hesket* by *Yewes Bridge*, to *Cockermouth*, and other Roads therein mentioned, in the several Counties of *Cumberland* and *Westmorland*. [3d May 1804.]

WHEREAS an Act was passed in the Second Year of the Reign of His present Majesty King George the Third, intituled, *An Act for widening, repairing, and amending the Road from Hesket, by Yewes Bridge, to Cockermouth, and from thence by Lorton, over Whinlatter, to Keskwick, in the County of Cumberland, and from Keskwick, by Dummail Rays and Ambleside, to Kirby in Kendall, in the County of Westmorland; and from Plumbgarth's Cross, near Kirby, in Kendall aforesaid, to the Lake called Windermere, in the County of Westmorland, and from Keskwick aforesaid to the Town of Penrith, in the County of Cumberland*: And whereas an Act was also passed in the Twenty-third Year of the Reign of His said present Majesty, for enlarging the Term and Powers of the said Act: And whereas the Trustees acting in the Execution of the said Acts, in the respective Counties of *Cumberland* and *Westmorland*, have borrowed divers large Sums of Money upon the Credit of

[Loc. & Per.] 4 E the

23 G. 2.

2 G. 3.

Terms and
Powers of former Acts enlarged.

the Tolls thereby respectively granted, which still remain due and owing, and cannot be paid off; nor can the said Roads be properly and effectually amended, widened, turned, improved, and kept in Repair, unless the Term of the said Acts be further continued, and some of the Powers thereof altered 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 Second and Twenty-third Years of the Reign of His said present Majesty, and all and every the Clauses, Powers, Authorities, Provisions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except such as relate to Exemptions from Stamp Duties, and such as are hereby altered and varied), shall be, continue, and remain in full Force and Effect, and, together with this present Act, shall be put in Execution for the several Purposes thereby and hereby intended, for and during the Term herein-after granted, as fully and effectually in all Respects, and to all Intents and Purposes whatsoever, as if the same were expressly repeated and re-enacted in the Body of this Act; but subject nevertheless to the Amendments, Alterations, and Additions, herein contained, and which shall commence and take Effect upon the passing of this Act; and this Act, and the Term hereby granted, shall be and is hereby declared to be subject and liable to the Payment of all Monies now due on the Credit of the said recited Acts, or which shall or may hereafter be borrowed and become due upon the Credit of the said recited Acts and of this Act, and all Interest due and to become due for the same respectively.

New Trustees
for the Road
within the
County of
Cumberland.

II. And be it further enacted, That *Henry Askew, Austin Bushby, Thomas Head Dawson, John Rudd, James Satterthwaite*, Clerks; *John Adamson, Richard Atkinson, Edmond Bowman, William Birbeck, Joseph Bowe, John Banks, Thomas Dobson Bleaymere, Richard Ellwood, John Edmonson, John Fletcher, John Gibson, Joseph Gibson of Sandhill, Edward Greenhow, John Lawrence Harrison, Thomas Hutton, Anthony Harrison, John Harryman, John Monkhouse, Robert Marshall, Peter Pearson, William Percival, Joseph Pearson, John Richardson, Michael Remington, Joseph Steel, John Simpson, Wilson Sewell, Thomas Todhunter, John Wilkinson of Pallat Hill, John Wilson, James Wilson, and George Wilkinson* (being qualified according to the Directions of the said first-mentioned Act), shall be and they are hereby added to and joined with the surviving and remaining Trustees appointed in or elected by virtue of the said recited Acts, or either of them, for putting the said Acts, or either of them, into Execution, in all such Parts of the said Roads as lie within the said County of *Cumberland*; and that the said several Persons herein-before named, and their Successors (being qualified according to the Directions of the same Act), together with those who were appointed or elected Trustees in or by virtue of the said recited Acts for putting the same into Execution in all such Parts of the said Roads as lie within the said County of *Cumberland*, shall be and they are hereby appointed Trustees to put the said Acts and this Act into Execution, in all such Parts of the said Roads as lie within the said County of *Cumberland*, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said recited Acts, or either of them.

III. And

III. And be it further enacted, that Sir *John Legard* Baronet, *James Bateman*, *Jeremiah Dixon*, *Henry Law*, *William Lushington*, *Harry Taylor*, *John Mackreth Freeman* Clerk, *Thomas Atkinson*, *John Barton*, *Samuel Cooper Crudson*, *John Noble Mawson*, and *John Soudon*, being also qualified according to the Directions of the said first mentioned Act, shall be and they are hereby added to and joined with the surviving and remaining Trustees appointed in or elected by virtue of the said recited Acts or either of them, for putting the said Acts, or either of them, into Execution, in all such Parts of the said Roads as lie within the said County of *Westmorland*; and that the said several Persons last herein-before named, and their Successors (being qualified according to the Directions of the same Act), together with those who were appointed or elected Trustees in or by virtue of the said recited Acts, for putting the same into Execution in all such Parts of the said Roads as lie within the said County of *Westmorland*, shall be and they are hereby appointed Trustees to put the said Acts and this Act into Execution, in all such Parts of the said Roads as lie within the said County of *Westmorland*, as fully and effectually, to all Intents and Purposes, as if they had been appointed by the said recited Acts, or either of them.

New Trustees
for the Road
within the
County of
Westmorland.

IV. And be it further enacted, That if after any Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, then and in that Case the Clerk to the said Trustees within the said respective Counties, upon an Order in Writing, signed by any Five or more of the said respective Trustees (although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such intended Meeting, shall forthwith give Notice in Writing, to be affixed upon all the Turnpikes then standing upon the said Roads within the said respective Counties, of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice), and such earlier Meeting shall and may be held accordingly; and all the Proceedings of the said Trustees at such Meetings shall be as valid and effectual as they would have been in case the same had been held in pursuance of Adjournment.

Meetings on
Emergencies.

V. And be it further enacted, That none of the Tolls granted by the said recited Acts, or either of them, shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse, 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 Stones, Bricks, Timber, Wood, Gravel, or other Materials, for repairing of the said Roads, or any of the Roads in the Townships or Parishes in which any Part of such Roads doth lie; or Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof; or for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying or conveying, or going empty to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Soilage, Compost, or Manures employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands; or for any Horses or Cattle going

General Ex-
emptions.

going to or returning from Pasture or Watering Places, or going to be or returning from being shod; or from any Person going or returning from his proper Parochial Church, Chapel, or other Places of Religious Worship tolerated by Law, on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggon's attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage, or for any Horses, Carts, or Waggon's, employed in the Conveyance of Vagrants sent by legal Passes; or for any Horse, Cattle, or Beast drawing any Coach, Landau, Berlin, Chariot, Calash, Chair, 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 Counties of *Cumberland* or *Westmorland*, on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, One Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of the said Acts and this Act; any Thing contained in the said Acts to the contrary notwithstanding.

Application
of Compensation
Money
when amount-
ing to 200*l*,

VI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, within the said respective Counties, 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 for executing the said Acts and this Act, within the said respective Counties, 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 or Hereditaments in the Purchase of Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, the same shall be laid out and invested under the like Direction and Approbation

Approbation of the said Court, in the Purchase of other Messuages, Lands, 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, 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 Purpose aforesaid, the Dividends or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time 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.

VII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 Lands or 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 for executing the said Acts and this Act within the said respective Counties (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 any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Application where the Compensation Money is less than 200*l.* and exceeds 20*l.*

VIII. Provided also, and be it further enacted, That when 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 Lands or Hereditaments so purchased, taken, or used for the Purposes of the said Acts or this Act, within the said respective Counties, in such Manner as the said Trustees, or any Five 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

Application where the Money is less than 20*l.*

[*Loc. & Per.*]

4 F

Committees,

Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles ;

or if Persons cannot be found, Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

IX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees ; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found ; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered ; then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] ; subject to the Order, Controul, and Disposition of the said Court of Chancery ; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable ; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

X. And be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of the said recited Acts or this Act, within the said respective Counties, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with such Monies, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of the Messuages, Buildings, Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery ; and the Dividends or Interest of such Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession ; and that

some

some other Person or Persons was or were lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XI. Provided always, and be it further enacted, That where, by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, to be purchased by the respective Trustees of the said Counties, under the Authority of the said Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this or the said Acts, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

XII. And be it further enacted, That all the Costs, Charges, and Expences, of or incident to the obtaining and passing this Act, shall, as soon as may be, be paid out of the Money arising by the Tolls and Duties already collected or to be collected at the several Turnpike Gates erected in the respective Counties aforesaid by Authority of the said recited Acts, or out of the Money which shall be borrowed thereupon respectively, in the following Proportions; (that is to say), One-sixth Part thereof (the Whole into Six equal Parts to be divided) out of the Money arising by the Tolls and Duties already collected or to be collected at the Gates erected on that Part of the said Roads directed to be repaired, lying between the Town of *Hesket*, *Newmarket*, and *Cockermouth* aforesaid, or out of the Money which shall be borrowed thereupon by virtue of the said former Acts or this present Act; Three other Sixth Parts thereof out of the Money arising by and out of the Tolls and Duties already collected or to be collected at the several Gates erected on the other Part of the said Roads directed by the said Acts to be repaired within the said County of *Cumberland*, or out of the Money to be borrowed thereupon by virtue of the said former Acts or this present Act; and the other or remaining Two Sixth Parts thereof shall be paid out of the Money arising by and out of the Tolls and Duties already collected or to be collected at the several Gates erected by virtue of the said recited Acts on those Roads thereby directed to be repaired, which do lie in the County of *Westmorland*, or out of the Money which shall be borrowed thereon, by virtue or in pursuance of the said former Acts or this present Act.

For paying the Expences of the Act

XIII. And be it further enacted, That this Act shall be deemed, adjudged, 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.

XIV. And be it further enacted, That the Term granted and continued by the said Acts shall upon the passing of this Act cease and determine; and that the said Acts (subject to the Alterations, Additions, and Amendments

Term of this Act.

Amendments 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1804.