ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. xvii.

An Act to amend an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing the Roads from* Nether Bridge *to* Levens Bridge, *and from thence through the Town of* Millthrop *to* Dixes, *and from the Town of* Millthrop *to* Hangbridge, *and from thence to join the* Heronsyke *Turnpike Road near* Clawthrop Hall, *in the County of* Westmoreland. [20th *May* 1851.]

WHEREAS an Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Roads from* Nether Bridge *to* Levens Bridge, *and from thence through the Town of* Millthrop *to* Dixes, *and from the Town of* Millthrop *to* Hangbridge, *and from thence to join the* Heronsyke *Turnpike Road near* Clawthrop Hall, *in the County of* Westmoreland: And whereas the Term granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-one: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with certain Arrears of Interest thereon, and such Money cannot be paid off, or the Interest thereof discharged, unless further Powers are granted, and 3 G.4. c.12.

the Term of the said Act further continued: And whereas since the passing of the said Act a Toll House and Toll Gate, with suitable Conveniences, have been built and erected across Part of the said Road which is situate between *Greavy Gate Lane* and the Town of *Millthrop*, and the said Gate is called *Leasgill Gate:* And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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—

Repeal of recited Act.

I. Upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Third Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. In citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Millthrop and Levens* Turnpike Road Act, 1851."

Monies and Property to vest in the new Trustees.

III. All Money due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to the Trustees under the said recited Acts, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in and belonged to them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof.

Appointment of Trustees.

IV. All Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Westmoreland*, together with *Bryan Waller Atkinson*, the Reverend *Joseph Watkins Barnes*, *Joseph Benn*, *Robert Benson*, *Robert Green Bradley*, *George Braithwaite*, *Isaac Braithwaite*, *Richard Branthwaite*, *Edward Branthwaite*, *Obadiah Burrow*, *William Cotton*, *William Dillworth Crewdson*, *William Dillworth Crewdson* the younger, *George Braithwaite Crewdson*, *James Cropper*, the Reverend *Robert Wilson Evans*, *Richard Crampton Fell*, the Reverend *Fletcher Fleming*, *Richard Fothergill*, *John Gandy*, *Gerrard Gandy*, *George Gelderd*, *George Gibson*, *Thomas Gough*, *Robert Hardy*, *Daniel Harrison*, *Thomas Harrison*, *Edmund Harrison*, *John Harrison* of *Summerlands*, *John Harrison*

of *Hundow*, *William Hutton*, the Reverend *William Hutton*, *Jacob Giles James Ireland*, *John Ireland*, *John Kitching*, the Reverend *William Mason*, the Reverend *Robert Morewood*, *Roger Moser*, *Thomas Reveley*, *Walter Charles Strickland*, *William Talbot*, the Honourable *George Frederick Upton*, *William Waithman*, *Robert William Waithman*, *Edward William Wakefield*, *William Henry Wakefield*, *George Webster*, *Samuel Whinnery*, *William Whitwell*, *William Wilson*, *Oxenholme*, *James Christopher Wilson*, *John Jowitt Wilson*, *William Wilson Shearman*, *Frederick John Wilson*, the Reverend *Charles Henry Wilson*, *John Wilson*, *Helsington*, *John Yeates Yeates*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. It shall be lawful for the said Trustees, from Time to Time, at any Meeting under this Act, to elect any Number of Persons, duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

VI. The said Trustees shall hold their First Meeting at the *Whitehall Buildings* in *Kendal*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Sixth Day of *November* One thousand eight hundred and fifty-one, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VII. The said Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

VIII. This Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road; (that is to say,) the Road leading from the South-west End of *Nether Bridge* in the County of *Westmoreland* to *Levens Bridge*, and from thence through the Town of *Millthrop* to *Dixes*, and from the Town of *Millthrop* aforesaid to *Hangbridge*, and from thence to join the *Heronsyke* Turnpike Road at the Guide Post near *Clawthrop Hall*, through the several Parishes of *Kirkby Kendal*, *Heversham*, *Beetham*, and *Burton* in *Kendal*, in the said County of *Westmoreland*.

IX. Not-

Present Tolls continued for a Term.

IX. Notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Roads until the Twenty-eighth Day of *November* One thousand eight hundred and fifty-one.

Power to take Tolls.

X. Upon and after the Twenty-eighth Day of *November* One thousand eight hundred and fifty-one, it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Roads, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; that is to say,

Tolls at Helsington Gate.

At the Toll Gate called *Helsington Gate*—

For every Horse or other Beast of Draught drawing any Coach, Chariot, Landau, Landaulet, Barouche, Chaise, Phaeton, Curricle, Car, Chair, Gig, Hearse, or other such Carriage, the Sum of Sixpence:

For every Carriage fixed in any Manner to any Waggon, Wain, Dray, Cart, or other Carriage, the Sum of One Shilling:

For any Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, if drawn by Two or more Horses or other Beasts of Draught, the Sum of Sixpence; and if drawn by One Horse or other Beast of Draught, the Sum of Fourpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, or Caravan, or other such Carriage laden with Cordwood for Fuel, Peats, Coals, Cannel, or Cinders only, if drawn by Two or more Horses or other Beasts of Draught, the Sum of Threepence; and if drawn by One Horse or other Beast of Draught, the Sum of Twopence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, having paid Toll for drawing the same, laden with Cordwood for Fuel, Peats, Coals, Cannel, or Cinders, and returning the same Day with the same Waggon, Wain, Cart, Caravan, or other such Carriage through the same Toll Gate with any other Loading not hereby exempted from Payment of Toll, if drawn by Two or more Horses or other Beasts of Draught, the Sum of Threepence; and if drawn by One Horse or other Beast of Draught, the Sum of Twopence:

For every Dog drawing any Truck, Cart, or other Carriage, the Sum of One Penny:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Twopence:

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, *per* Score, the Sum of Tenpence, and so in proportion for any greater or less Number:

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

Which

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever, shall be permitted to pass through the said Toll Gate called *Helsington Gate*, except in the Cases herein-after mentioned:

At the Toll Gate called *Leasgill Gate*, situate between *Greavy Gate Lane* and *Millthrop*— Tolls at Leasgill Gate.

For every Horse or other Beast of Draught drawing any Coach, Chariot, Landau, Landaulet, Barouche, Chaise, Phaeton, Curricle, Car, Chair, Gig, Hearse, or other such Carriage, the Sum of Twopence:

For every Carriage fixed in any Manner to any Waggon, Wain, Dray, Cart, or other Carriage, the Sum of Sixpence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, if drawn by Two or more Horses or other Beasts of Draught, the Sum of Threepence; and if drawn by One Horse or other Beast of Draught, the Sum of Twopence:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Caravan, or other such Carriage laden with Cordwood for Fuel, Peats, Coals, Cannel, or Cinders only, if drawn by Two or more Horses or other Beasts of Draught, the Sum of One Penny Halfpenny; and if drawn by One Horse or other Beast of Draught, the Sum of One Penny:

For every Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, having paid Toll for drawing the same, laden with Cordwood for Fuel, Peats, Coals, Cannel, or Cinders, and returning the same Day with the same Waggon, Wain, Cart, Caravan, or other such Carriage through the same Toll Gate with any other Loading not hereby exempted from Payment of Toll, if drawn by Two or more Horses or other Beasts of Draught, the Sum of One Penny Halfpenny; and if drawn by One Horse or other Beast of Draught, the Sum of One Penny:

For every Dog drawing any Truck, Cart, or other Carriage, the Sum of One Halfpenny:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny:

For every Ass, laden or unladen, and not drawing, the Sum of One Halfpenny:

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

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

Which said last-mentioned Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle, or Carriage whatsoever, shall be

permitted to pass through the said Toll Gate called *Leasgill Gate*, except in the Cases herein-after mentioned.

As to the fractional Part of a Halfpenny in Tolls.

XI. In all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Persons having paid Toll at the Leasgill Gate to pass Helsington Gate paying reduced Toll;

XII. Every Person travelling with any Horse, Mule, Ass, Beast, or other Cattle, or Carriage, through the said Toll Gate called *Leasgill Gate*, who shall have paid the Toll hereby granted and made payable at that Gate, on producing a printed Note or Ticket denoting such Payment (which Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll), shall be permitted on the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night) to pass through the said Toll Gate called *Helsington Gate*, with the same Horse, Mule, Ass, Beast, or other Cattle, or Carriage, on paying thereat such further Toll or Sum as will with the Toll or Sum specified in such Ticket make up an Amount equal to the full Toll herein-before granted and made payable at the said Toll Gate called *Helsington Gate*; and every Person travelling with any Horse, Mule, Ass, or Beast, or other Cattle, or Carriage, through the said Toll Gate called *Helsington Gate*, and who shall have paid thereat the full Toll herein-before granted and made payable thereat, on producing a printed Note or Ticket denoting such Payment (which Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll), shall be permitted on the same Day (such Day to be computed as aforesaid) to pass Toll-free with the same Horse, Mule, Ass, Beast, or other Cattle, or Carriage, through the said Toll Gate called *Leasgill Gate*, and also through any Toll Gate authorized by this Act to be erected on the Side or Sides of the said Roads, or across any public Lane or Way leading out of the same.

and Persons having paid full Toll at Helsington Gate to pass Leasgill Gate Toll-free.

Power to erect Side Gates;

XIII. It shall be lawful for the said Trustees, in the Manner prescribed by the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to erect or cause to be erected any Toll Gates on the Side or Sides of the said Roads, and thereat respectively to demand and take, by such Person as the said Trustees shall from Time to Time appoint to receive the same, such and the like Tolls as are herein-before granted and made payable at the said Toll Gate called *Leasgill Gate*, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through or across any Toll Gate to be erected as aforesaid by virtue of this Act: Provided always, that every Person, paying at any Toll Gate to be so erected by virtue of this Act the Toll hereby granted and made

and Tolls to be taken thereat of like Amount as at LeasgillGate.

payable thereat, shall, on producing a printed Note or Ticket denoting such Payment (which Note or Ticket the Collector of Tolls is hereby required to give *gratis* on Receipt of the Toll), be permitted on the same Day (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night) to pass through the said Toll Gate called *Helsington Gate*, with the same Horse, Cattle, and Carriage, on paying thereat such further Toll or Sum as will with the Toll or Sum specified in such Ticket make up and amount to the full Toll herein-before granted and made payable at the said Toll Gate called *Helsington Gate*; and also that every Person paying at any Toll Gate to be erected by virtue of this Act the Toll hereby granted and made payable thereat, on producing a printed Note or Ticket denoting such Payment (which Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll), shall be permitted on the same Day (to be computed as aforesaid) to pass Toll-free with the same Horse, Cattle, and Carriage, as well through the said Toll Gate called *Leasgill Gate*, as through or across any other Toll Gate authorized to be erected by virtue of this Act on the Side or Sides of the said Roads, or across any public Lane or Way leading out of the same.

No Toll Gate or Side Gate to be erected in the Township of Kirkland.

XIV. No Toll Gate or Toll House shall be erected or built by virtue of this Act across or on the Side of any Part of the said Roads within the Township of *Kirkland*.

Number of Tolls to be taken.

XV. No more than One full Toll, (that is to say,) of the Amount hereby granted and made payable at the Toll Gate called *Helsington Gate*, shall be demanded or taken for the Passage of the same Horse, Mule, Ass, Beast, or other Cattle, or Carriage, through all the Toll Gates now erected and continued or hereafter to be erected upon, across, or on the Side of the said Roads, on the same Day (such Day to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the succeeding Night), except in the Cases herein-after mentioned.

Persons having paid Tolls to return free.

XVI. All Horses and Cattle (except Horses and Cattle returning with any Waggon, Wain, Cart, Caravan, or other such Carriage with a Loading not exempt from Payment of Toll, which Carriage had previously passed through the Toll Gate on the same Day laden with Cordwood for Fuel, Peats, Coals, Cannel, or Cinders, as herein-before mentioned, and except also Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on any of the said Roads or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing through the same Toll Gate, and in going and returning, passing and repassing, through such other Toll Gate, if any, as the Ticket for such Payment shall free, to pass Toll-free the same Day.

XVII. The

Tolls on Stage Coaches and Postchaises.

XVII. The said Tolls shall be payable for all Stage Coaches and other such public Carriages (except Postchaises) for every Time of passing and repassing along the said Roads on the same Day (to be computed as aforesaid), and also for all Postchaises and other Carriages travelling for Hire, for passing and repassing upon the said Roads on the same Day (to be computed as aforesaid), upon every Time of a new Hiring of such Postchaises and other Carriages, on a Ticket being produced denoting a new Hiring: Provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Toll Gate erected or to be erected on the said Roads, shall, on returning without the Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage shall not have passed through such Toll Gate on the same Day.

Regulations as to Stage Coaches.

XVIII. All Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate the Payment at which shall be freed by such Ticket as aforesaid on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Respecting Toll Gates.

XIX. The several Toll Gates and Toll Houses now standing or being upon the said Roads or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up in or across the said Roads or on the Sides thereof any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House; and all the Provisions of this Act with respect to the said *Leasgill Gate*, and the Tolls to be taken thereat, shall apply to every such Toll Gate so to be set up or removed, and to the Tolls to be taken thereat: Provided always, that if the said *Helsington Gate* shall be removed, or any other Toll Gate shall be set up instead thereof, all the Provisions of this Act with respect to the said *Helsington Gate*, and the Tolls to be taken thereat, shall apply to any Toll Gate which may be substituted for *Helsington Gate*, and to the Tolls to be taken thereat, anything herein-before contained to the contrary notwithstanding.

XX. Nothing

No Part of the Meadow called Garden Flatt to be taken into the Road.

XX. Nothing in this Act contained shall extend to empower the said Trustees, their Agents or Servants, to enlarge the said Roads by taking in any Part of the Meadow called or known by the Name of the *Garden Flatt* in the Township of *Levens*, now belonging to or in the Tenure of the Honourable *Mary Howard*, her Under-tenants or Assigns, without the Consent in Writing of the Owner or Owners thereof for the Time being first had and obtained for that Purpose.

Exemptions from Toll.

XXI. None of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Toll Gates erected and continued or to be erected upon the said Roads, for any Horse, Cattle, or Carriages, of whatever Description, used or employed for the Purpose of carrying or conveying, or returning unladen and empty from carrying or conveying, any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards of or belonging to the respective Owners, the same not being for Sale or purchased, but being the Growth or Produce of Land held and occupied by the respective Owners of any such Produce situate in any Parish, Township, Hamlet, or Place through which any Part of the Road passes; or of carrying or conveying, or returning unladen and empty from carrying or conveying, any Grass, Clover, Green Food, Fodder, Straw, Turnips, or Potatoes, not for Sale or purchased, but passing to be laid up in the Houses, Outhouses, Barns, Yards, or Closes of the Owner or Owners thereof; or of carrying or conveying, or going to carry or convey, or returning unladen and empty from carrying or conveying, any Dung, Mould, Marl, Soil, Lime, Limestone, Soapers Waste, Manure, or Compost, to be used only for manuring any Land or Gardens, or any other Thing or Things whatsoever to be employed in Husbandry or manuring Land; or in carrying or conveying, or going to carry or convey, or returning unladen and empty from carrying or conveying, having been employed solely in carrying or conveying, any Grist or Meal to or from any Corn Mill for and to be actually used by the Owner and his Family, and not for Sale; nor for any Horse, Beast, Cattle, Cart, or Carriage used or employed for the Purpose only of carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, any Gravel, Stones, Timber, Sand, or other Materials for the rebuilding, building, or repairing any present or future Toll House or Toll Houses; nor for any Horse, Beast, Cart, or Carriage employed only in carrying or conveying, or going to carry or convey, Milk or Grains or Draff for the feeding of Cattle, or returning empty, or without any other Loading not intended to be hereby exempted from Toll, after having been so employed.

Mortgagees to deliver up Possession of Gates.

XXII. On or before the said Thirtieth Day of *November* next after the passing of this Act, the Mortgagees in possession of any of the Toll Gates, Toll Houses, or Buildings upon the said Roads or on the Sides thereof shall deliver up the same to the said Trustees; and the said Trustees, their Collectors and Servants, shall enter into pos-

session of the said Toll Gates, Toll Houses, and Buildings, and shall thenceforth receive the Tolls which can be collected thereat; and if any Collector, Receiver, or other Person shall refuse or neglect to deliver up Possession as aforesaid of any of the said Toll Gates, Toll Houses, or Buildings, then such Receiver, Collector, or other Person may be removed therefrom in manner provided by any Law or Statute then in force relating to Turnpike Roads in *England*.

Mortgagees to take possession for Payment of Interest only.

XXIII. Whenever and so long as Interest upon all existing Mortgages made under the Powers of the said recited Act shall be duly paid at the Rate herein-after mentioned within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due at the Rate herein-after mentioned upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate herein-after mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

Application of Monies.

XXIV. All Monies which shall come to the Hands of the said Trustees by virtue of this Act shall be applied as follows; that is to say,

Firstly, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in defraying the necessary Expenses of erecting, altering, and repairing Toll Gates, Toll Bars, and Toll Houses, and the necessary Expenses of Management of the said Roads:

Thirdly, in paying Interest at the Rate of Two Pounds for the Hundred Pounds by the Year, and at no higher Rate, upon the Principal Sums for the Time being owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken by the said repealed Act:

Fourthly, in reducing, paying off, and discharging the Principal Sums for the Time being owing in respect of Money borrowed on the Credit of the Tolls authorized to be taken by the said repealed Act:

Fifthly, in paying the Expenses of maintaining and keeping the said Roads in repair, and in putting this Act into execution with reference thereto.

As to Mode of discharging Debt.

XXV. When and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any General, Annual, or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, in some Newspaper published in the County of *Westmoreland*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Monies owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst

amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No Money to be collected or laid out in Towns.

XXVI. No Money shall be laid out on the said Roads within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

No more Money to be borrowed on the Tolls.

XXVII. It shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Trustee or Clerk to be competent Witness.

XXVIII. No Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or other Proceeding.

Roads not exempted from Provisions of future General Act.

XXIX. Nothing herein contained shall be deemed to exempt the said Roads from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament, or from the Provisions of any such Act now in force, except so far as any such last-mentioned Provisions may be expressly varied by this Act.

Term of Act.

XXX. This Act shall commence on the Thirty-first Day of *October* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Terms.

XXXI. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Trustees," or "the said Trustees," shall mean the Trustees for the Time being acting in execution of this Act:

The Word "Toll Gate" shall mean any Toll Gate, Turnpike, Bar, or Chain set up and erected, or to be set up and erected, upon or across or by the Side of the Roads, or across any Highway or Lane communicating therewith.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1851.