ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lxv.

An Act to amend an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from* Ulverstone *to* Kendal *into the Turnpike Road leading from* Millthorp *to* Kendal, *and a Continuation of the said Road from the last-mentioned Turnpike Road to join the Turnpike Road leading from* Lancaster *to* Kendal, and to continue the Term thereby granted. [15th *July* 1850.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act* 58 G.3. c.70. *for making and maintaining a Turnpike Road from the Turnpike Road leading from* Ulverstone *to* Kendal *into the Turnpike Road leading from* Millthorp *to* Kendal, *and a Continuation of the said Road from the last-mentioned Turnpike Road to join the Turnpike Road leading from* Lancaster *to* Kendal: And whereas the Term granted by the said Act, and from Time to Time continued by virtue of divers Acts of Parliament, will expire on the First Day of *No-*

vember One thousand eight hundred and fifty: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said recited Act since the passing thereof, and are secured by Mortgages of such Tolls, and divers other large Sums of Money (particularly mentioned in the Schedule to this Act annexed) were also subscribed for the Purpose of making the said Road previously to the passing of the said Act, and in the Expectation that the Repayment thereof would be duly secured by Provisions to be inserted in the said Act, but no such Provisions were inserted therein, and the Monies so advanced cannot be paid off or Interest thereon discharged unless further Powers are granted and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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 the present Parliament assembled, and by the Authority of the same, That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Fifty-eighth Year of the Reign of His Majesty King *George* the Third shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Recited Act repealed, and this Act to be put into execution.

Short Title.

II. And be it enacted, That 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 *Ulverstone, Millthorp, and Lancaster* Turnpike Road Act, 1850."

Monies and Property to vest in the new Trustees.

III. And be it enacted, That all Monies due to, and all Property and all Choses in Action vested in the Trustees under the said recited Act shall immediately on the Commencement of this Act be vested in 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 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.

Mortgagees in possession to account.

IV. And be it enacted, That on or before the Thirtieth Day of *November* next after the passing of this Act the Mortgagees in possession of the Toll Gates, Bars, Chains, Toll Houses, and Buildings upon the said Road shall render an exact Account in Writing to *Edward Hutton* Gentleman, or other the Clerk for the Time being to the Trustees of the said Road, at his Dwelling House, or to such

other Person as the Trustees of the said Road for the Time being shall direct, of all Monies received by such Mortgagees, or by any other Person for their Benefit or by their Authority, at such Toll Gates, Bars, Chains, and Toll Houses or otherwise, and of all Monies expended by them in keeping or repairing the said Road, Toll Gates, Bars, Chains, and Toll Houses, and of the Manner in which they shall have disposed of the Residue of the Monies so received, and shall produce all the Vouchers and Receipts in their Possession or Power relating to such Accounts, and shall on or before the Thirtieth Day of *November* next after the passing of this Act pay over to such Person as the Trustees by this Act appointed shall direct to receive the same the Monies (if any) which shall appear to be due from the said Mortgagees on the Balance of such Accounts.

Appointment of Trustees.

V. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County Palatine of *Lancaster* and for the County of *Westmoreland*, together with *Thomas Ainsworth*, *Thomas Ainsworth* the younger, *Bryan Waller Atkinson*, the Reverend *Joseph Watkins Barnes*, *Daye Barker*, *John Barrow*, *Robert Benson*, *John Bolden*, *George Braithwaite*, *William Cotton*, *John Cranke*, *William Dillworth Crewdson*, *William Dillworth Crewdson* the younger, *George Braithwaite Crewdson*, the Reverend *Robert Wilson Evans*, *William Field*, *John Gandy*, *Gerard Gandy*, *George Gibson* (of *Kendal*), *George Gibson* (of *Height*), the Reverend *Richard Gwillym*, *Bernard Gilpin*, *Daniel Harrison*, *John Harrison*, *Thomas Harrison*, *John Hodgson*, *John Holme*, *William Hutton*, the Reverend *William Hutton*, *Edward Hutton*, *John Jenkinson*, *Thomas Inman*, *John Ireland*, *John Kitching*, *James Penny Machell*, *John Penny Machell*, *William Edward Maude*, *John Morland*, *Edmund Petty*, *John Proctor*, the Reverend *Thomas Remington*, *Henry Remington*, *Henry Fletcher Rigge*, *William Sharp*, *Henry Shepherd*, *James Stockdale*, *Walter Charles Strickland*, *Edward Suart*, *Joseph Swainson*, *John Barrow Thornborrow*, *William Townley*, the Reverend *Edmund Townley*, the Honourable *George Upton*, *William Waithman*, *Edward William Wakefield*, *William Henry Wakefield*, *John Bradshaw Wanklyn*, *George Webster*, *William Whitwell*, *John Whitwell*, the Reverend *Charles Henry Wilson*, *Frederick John Wilson*, *Robert Wright*, *John 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.

VI. And be it enacted, That 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

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.

VII. And be it enacted, That the said Trustees shall hold their First Meeting at the *Cross Keys Inn* in *Millthorp* in the said County of *Westmoreland*, or at some other convenient Place in the Neighbourhood of the said Road, on the Sixth Day of *November* One thousand eight hundred and fifty, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Road as they shall think proper.

Power to appoint Committees.

VIII. And be it enacted, That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the other 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 and their Surveyors 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 to apply.

IX. And be it enacted, That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road from the Turnpike Road leading from *Ulverstone* to *Kendal* into the Turnpike Road leading from *Millthorp* to *Kendal*, and the Continuation of the said Road from the last-mentioned Turnpike Road to join the Turnpike Road leading from *Lancaster* to *Kendal*.

Present Tolls continued for a Term.

X. And be it enacted, That 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 Road, until the Twenty-first Day of *November* One thousand eight hundred and fifty.

Power to take Tolls.

XI. And be it enacted, That upon and after the said Twenty-first Day of *November* One thousand eight hundred and fifty it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Coach, Berlin, Chariot, Landau, Barouche, Phaeton, Hearse, Curricle, Calash, Chaise,

Chaise, Car, Gig, Chair, Caravan, or other such Carriage, the the Sum of Sixpence:

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

For every Dray of greater Width between the Axletrees than Nine Feet, and laden otherwise than with a single Piece of Timber or Stone, the Sum of One Shilling and Sixpence over and above the Toll payable for each Horse or Beast drawing the same:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, where such Carriage shall be drawn by only One Horse, Mule, or other Beast, the Sum of Four-pence, and for every Ass drawing any such Carriage the Sum of Two-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, where such Carriage shall be drawn by more than One such Horse, Mule, Ox, or Bullock, the Sum of Sixpence:

For every Horse or Mule, laden or unladen, and not drawing, the Sum of Two-pence; and for every Ass, laden or unladen, and not drawing, the Sum of One Penny:

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

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

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

Exempting Turf from Toll in certain Cases.

XII. And be it enacted, That no Toll shall be demanded by virtue of this Act for any Horse, Beast, Cattle, Waggon, Wain, Cart, or other Carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same Day, any Turf or Peat which has grown or arisen on Land or Ground in the Occupation of the Owner of any such Turf or Peat, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of, but is intended for Consumption by the Owner of such Turf or Peat.

Restriction as to Tolls for Horses drawing Turf or Peat.

XIII. And be it enacted, That no more than One Penny shall be demanded or paid at any of the Toll Gates already erected or to be erected by Authority of this Act for any One Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage laden wholly with Turf or Peat for Sale.

As to the Fraction of a Halfpenny in Tolls.

XIV. And be it enacted, That 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.

Only Four full Tolls to be taken in One Day.

XV. And be it enacted, That no more than Four full Tolls shall be taken for passing and repassing once only in the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night,) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates and Bars erected or to be erected or continued on the said Road: Provided always, that in case any Toll Gate or Bar shall be

As to Toll-gates within Four Miles of each other.

erected or continued at a less Distance than Four Miles from any other Toll Gate or Bar on the same Road, then any Person producing a Ticket denoting the Payment of Toll at one of such Gates or Bars shall not be required to pay Toll at any other of such Gates or Bars within Four Statute Miles of the Gate or Bar at which such Ticket shall have been given.

Persons having paid Toll to return free on the same Day.

XVI. And be it enacted, That all Horses and Cattle (except Horses or 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 or Bar on the said Road, or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted in returning through the same Toll Gate or Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Post Chaises to pay every Time of passing.

XVII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Animals, or Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

XVIII. And be it enacted, That 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 Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar 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

other such Carriage as aforesaid at any such other Toll Gate or Bar, 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. And be it enacted, That the several Toll Gates, Bars, and Toll Houses now standing or being upon the said Road, 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 to order and cause to be set up in or across the said Road, or on the Sides thereof, any Toll Gate, Bar, or Toll House, and to remove the present or any future Toll Gates, Bars, or Toll Houses as they shall think proper.

Mortgagees to deliver up Possession of Gates.

XX. And be it enacted, That on or before the said Thirtieth Day of *November* next after the passing of this Act the Mortgagee or Mortgagees in possession of any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road, 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 possession of the said Toll Gates, Bars, Chains, 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, Bars, Chains, 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.

XXI. And be it enacted, That whenever and so long as the 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 Road shall be entitled to enter into possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road, or into the Receipt of the said Tolls arising thereon, or the Rent payable on any Letting of the said Tolls; and every Mortgagee entering into possession of such Toll Gates, Bars, Chains, 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 Cost 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

Mortgages shall be payable, render to the Clerk of 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, Bars, Chains, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the said Trustees, or to 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.

XXII. And be it enacted, That 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 Three Pounds Ten Shillings *per Centum per Annum*, upon the Principal Sums which may from Time to Time be owing in respect of Monies borrowed under the Powers of the said repealed Act on the Credit of the Tolls thereby authorized to be taken:

Fourthly, in paying the Expenses of maintaining and keeping in repair the said Road, and in putting this Act into execution with reference thereto, but, subject to the Proviso herein-after contained, limiting the Amount to be paid in any One Year under this Provision out of the Monies received by virtue of this Act:

Fifthly, in reducing, paying off, and discharging the several Principal Sums borrowed under the Powers of the said repealed Act on the Credit of the Tolls thereby authorized to be taken, and from Time to Time remaining unpaid:

Sixthly, in reducing, paying off, and discharging rateably the several Principal Sums mentioned in the said Schedule, and subscribed previously to the passing of the said repealed Act for the Purposes of the said Road, and from Time to Time remaining unpaid.

Limiting Amount of Monies to be

XXIII. Provided always, and be it enacted, That no greater Amount out of any Monies received by virtue of this Act than Two

hundred

hundred and fifty Pounds in any One Year, after satisfying the Purposes firstly, secondly, and thirdly herein-before mentioned, shall be applied to the Purposes fourthly herein-before mentioned. applied to certain Purposes herein named.

XXIV. And be it enacted, That 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, and borrowed since the passing of the said repealed Act, 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, and borrowed as aforesaid, 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 of 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, and borrowed as aforesaid, 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 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. As to Mode of discharging Debt.

XXV. And be it enacted, That no Money shall be laid out on the said Road within the Limits of any Act of Parliament passed for No Money to be laid out on Roads in Towns within

Limits of this Act.

for the Improvement of any Town, nor shall any be collected therein.

No more Money to be borrowed on the Tolls.

XXVI. And be it enacted, That 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 competent Witness.

XXVII. And be it enacted, That 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.

Road not exempted from Provisions of future general Act.

XXVIII. And be it enacted, That nothing herein contained shall be deemed to exempt the said Road 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.

Term of Act.

XXIX. And be it enacted, That this Act shall commence on the Thirty-first Day of *October* next after the passing hereof, and shall continue in force for the Term of Twenty-four Years, and no longer; and that thereafter the said Road shall be free from the Payment of all Toll, and that all the Powers and Provisions of this Act shall, at the Expiration of the said Term of Years, absolutely cease and determine.

Interpretation of Terms.

XXX. And be it enacted, That 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,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall be understood to include "Corporation:"

Words importing the Masculine Gender shall include Females:

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

Public Act.

XXXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHE-

SCHEDULE.

	Amount subscribed.
William Townley - -	£200
John Wilson - -	1,000
William Turner's Assignees	150
Christopher Wilson's Executors - - -	300
Thomas Holme Maude's Executors - -	400
John Wakefield's Executors -	200
W. D. Crewdson - -	100
Isaac Whitwell's Executors -	100
Isaac Hadwen's Executors -	100
Joseph Thexton's Executors	400
John Burrow's Executors -	100
J. P. Machell - -	200
Roger Taylor's Executors -	200
Ann Machell's Executors -	200
B. Gilpin - -	200
Jacob Wakefield's Executors	200
John Harrison's Executors -	200
Thomas Sunderland's Executors - - -	100
William Hutton - -	300
William Ellison - -	500
Earl of Burlington - -	£500
George Wilson - -	700
R. Hardy's Executors -	400
John and Elizabeth Kitching	300
Richard Fothergill - -	300
Thomas Reveley - -	200
Alexander Webster - -	200
Rev. John Hudson's Executors - -	200
Edward Wilson - -	100
Henry Smithie's Executors -	400
Thomas Simpson's Executors	100
Edward Sewert - -	200
William Clapham's Executors	100
Joseph Swainson's Executors	100
Mrs. Crosfield's Executors -	100
Daniel Harrison - -	200
Mrs. Fell's Executors -	100
Richard Tower's Executors -	100
Thomas Ainsworth and Sons	200
	£9,650

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.