Anno nono

Georgii III. Regis.

An Act for continuing and rendering more effectual an Act for repairing the Road from *Bowes* in the County of *York*, to *Brough under Stainmore* in the County of *Weſtmorland*; and for repairing and widening the Road from *Maiden Caſtle* to *Kaber Croſs*, and alſo the Road from *Maiden Caſtle* to the Coal Works at *Taylor Rig*, and to *Tan Hill* and *King's Pitts*; and alſo the Road from *Barrow's Brow* to *Middle Fell Dyke Nook*, in the ſaid Counties, alſo from *Tan Hill* and *King's Pitts* to *Beck Crooks*, and *Punchatt Paſture Weſt Gate* to *Whaw Lane Head*, and by *Lilly Jocks* to *Reeth*.

Preamble, reciting Act 16 *Geo.* II.

WHEREAS by an Act paſſed in the Sixteenth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for repairing the Road from *Bowes* in the County of *York*, to *Brough under Stainmore* in the County of *Weſtmorland*; ſeveral Tolls are granted and Powers given to certain Truſtees for repairing the ſaid Roads, which were to take Place from and after the Firſt Day of May, One thouſand ſeven hundred and forty three, and to have Continuance for and during the Term of Twenty one Years: And whereas the Truſtees appointed to put the ſaid Act in Execution did, in purſuance of the Powers thereby to them given, borrow ſeveral Sums of Money, of which there now remains due the Sum of One hundred Pounds, or thereabouts; which ſaid Sum ſo borrowed, together with the Tolls and Duties collected and received by virtue of the ſaid Act, have been applied in amending the ſaid Roads thereby directed to be repaired; but that the ſaid Road can-

not be effectually amended and kept in good Repair, unless the Term and Powers granted by the said Act be enlarged and continued: And whereas the Road leading from the said Turnpike Road near a Place called The Grained Tree, or, Maiden Castle, through Kaber to Kaber Cross, to join the present Turnpike Road leading from Brough, through Kirby-Steven, to Highgate near Tebay, in the County of Westmorland; and also the Road from a Place at or near Maiden Castle or Grained Tree aforesaid, in the said Stainmore Turnpike Road, to the Coal Works at Taylor Rig, in the said County of Westmorland, and Tan Hill and King's Pitts, in the County of York; and also the Road from the Foot of Barrow's Brow, until it joins the Coal Road at Middle Fell Dyke Nook; and also the Road from Tan Hill and King's Pitts aforesaid to Beck Crooks, and from thence to Punchatt Pasture West Gate, to Whaw Lane Head, and from thence by Lilly Jocks, to the Market Town of Reeth, are ruinous and narrow, and cannot be repaired by the ordinary Course of Law: And whereas the repairing and widening the said Roads would be of publick Utility: 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 former Act, and all and every the Powers, Authorities, Penalties, Forfeitures, Articles, Clauses, Matters, and Things, therein contained (except such Clauses, Matters, and Things, are hereby altered, amended, repealed, or explained) shall continue and be in full Force and Effect, and shall be enlarged, continued, and executed, from and immediately after the Expiration of the Term granted by the said Act, and also by an Act of the Twenty eighth Year of his late Majesty King George the Second, intituled, An Act to amend an Act made in the Twenty sixth Year of the Reign of His present Majesty, intituled, *An Act for the Amendment and Preservation of the Publick Highways and Turnpike Roads of this Kingdom, and for the more effectual Execution of the Laws relating thereto,* for and during the further Term of Twenty one Years, and from thence to the End of the then next Session of Parliament; which said additional Term shall be, and the same is hereby made subject and liable to the Payment of the Money borrowed, or to be borrowed, due, or to grow due, upon the Credit of the said former or this present Act, for the Intents and Purposes therein and herein mentioned and contained, as fully and

Powers of former Act (unless varied by this Act) to continue.

Recited Act, &c. further continued for 21 Years.

effectually as if the same were herein again repeated and re-enacted in the Body of this present Act; any thing in the said former Act to the contrary in any wise notwithstanding.

Trustees impowered to repair certain Roads.

And be it further enacted by the Authority aforesaid, That the Trustees appointed or to be appointed to put the said former and this present Act in Execution, shall be and they are hereby impowered to repair, amend, and widen, the Road leading from the said Turnpike Road near a Place called The Grained Tree, or Maiden Castle, through Kaber, to Kaber Cross, to join the present Turnpike Road leading from Brough, through Kirby-Steven, to Highgate near Tebay, in the County of Westmorland; and also the Road from a Place at or near Maiden Castle or Grained Tree aforesaid, in the said Stainmore Turnpike-Road, to the Coal Works at Taylor Rigg, in the County of Westmorland, and Tan Hill and King's Pitts, in the County of York; and also the Road from the Foot of Barrow's Brow, until it joins the Coal Road at Middle Fell Dyke Nook; and also the Road from Tan Hill and King's Pitts aforesaid to Beck Crooks, and from thence to Punchatt Pasture West Gate, to Whaw Lane Head, and from thence by Lilly Jocks, to the Market Town of Reeth, in such Manner as any other Part of the Roads mentioned in the said former Act; and that all and every the Powers, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, in the said former Act and this present Act contained, given, made, and provided, except where the same are altered or varied by this present Act, shall be exercised, applied, and put in Execution by the said Trustees, with respect to the said last-mentioned Roads, in as full and ample Manner as if the same were repeated and re-enacted in the Body of this present Act.

Trustees may erect Turnpikes and Toll-houses,

and take Tolls thereat.

And be it further enacted by the Authority aforesaid, That the Trustees appointed by the said former and this present Act, shall and they are hereby authorized and impowered to erect Turnpikes and Toll-houses, and to take the Tolls and Duties following upon the additional Roads directed to be repaired by this present Act, before any Horse, Mare, Gelding, Mule, Ass, Cattle, Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same; that is to say, On the Road from or near Grained Tree or Maiden Castle aforesaid, through Kaber, to Kaber Cross,

The Tolls. For every Coach, Chariot, Landau, Berlin, Chaise, or Calash, drawn by Six Horses, Mares, or Geldings, the Sum of One Shilling and Three Pence; and drawn by Four Horses, Mares, or Geldings, the Sum of One Shilling; and for every Coach, Chariot, Landau, Berlin, Chaise, Calash, or Chair, drawn by Two or Three Horses, Mares, or Geldings, the Sum of Six Pence.

For every Chaise, Calash, or Chair, drawn by One Horse, Mare, or Gelding, Three Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Four Horses and Oxen, Horses or Oxen, the Sum of Six Pence.

For every Horse or Horses, Ox or Oxen, so drawing, more than Four, the additional Sum of One Penny for each.

For every Cart or Carriage, drawn by One Horse, Mare, or Gelding, the Sum of Two Pence; if by Two, the Sum of Three Pence; and if with Three, the Sum of Four Pence.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Five Pence per Score; and so in proportion for any greater or lesser Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Two Pence Halfpenny per Score; and so in proportion for any greater or lesser Number.

And on the Road from Maiden Castle or Grained Tree aforesaid, to the Coal Works at Taylor Rig and Tan Hill, and King's Pitts aforesaid, the like Tolls or Duties as are by this Act granted upon the said last mentioned Road from or near Grained Tree, or Maiden Castle aforesaid, through Kaber to Kaber Cross; and on the Road from Tan Hill and King's Pitts aforesaid, to Beck Crooks; and from thence to Punchatt Pasture West Gate, to Whaw Lane Head; and from thence by Lilly Jocks to the Market Town of Reeth, the like Tolls or Duties as are by the said former Act granted upon the Road from Bowes in the County of York, to Brough under Stainmore in the County of Westmorland.

Trustees may lessen the Tolls, And be it further enacted by the Authority aforesaid, That the said Trustees by the said former and this present Act appointed, and their Successors, or any Seven or more of them, may, if they think fit, at any Time

Time or Times during the Continuance of the said former and this present Act, lessen the Tolls and Duties by the said former and this present Act granted and made payable; any thing in the said former or this present Act contained to the contrary notwithstanding; so as such Lessening of the said Tolls be made with the Consent of the Person or Persons who at the Time of such Reduction shall be intitled to any Money secured thereon; and may again raise and advance such Tolls, so as such Tolls be not raised at any Time to a greater Charge than the Tolls directed to be taken by the said former or this present Act. and raise them again.

And be it further enacted by the Authority aforesaid, That the Right Honourable Hugh Percy, commonly called Earl Percy, the Right Honourable James Smith Stanley, commonly called Lord Strange, the Honourable Frederick Vane, the Honourable Raby Vane, the Honourable Francis Charteris, Sir Marmaduke Wyvill, Sir George Savile, Sir Ralph Milbank, Sir Lawrence Dundas, Sir Thomas Robinson, Sir James Lowther, Sir Philip Musgrave, Sir Anthony Abdy, Sir John Ramsden, Sir Joseph Pennington, Sir Michael Le Fleming, Baronets; Sir Fletcher Norton, Sir William Dalston, Knights; Henry Alderson, William Allan, John Alderson, the Mayor of Appleby for the time being, John Atkinson, Adam Askew, William Armitage, George Atkinson, Mathew Atkinson, Anthony Atkinson, Richard Alderson, Braithwaite Atkinson, John Bower, John Bywell, Philip Brunskill, William Brown, John Barker, Joseph Burrow senior, John Burn, Edward Burrow, Joseph Burrow junior, John Blackwell, William Birdsworth, Thomas Boneson, Thomas Baynes, Leonard Barnett, William Bambrigg, Robert Blenkarn, Joseph Bowness, Thomas Bousfield, Arthur Bousfield, Michael Branthwaite, William Bowness of Bolton, Christopher Bird, John Barnett, John Bracken, John Close, William Chayter, Sheldon Cradock, James Clarkson, Christopher Crow, Robert Collin, William Cornforth, Thomas Cornforth, William Cookson, George Cumpstone senior, George Cumpstone junior, Thomas Crossfield, John Collinson, Thomas Dundas, Francis Dupont, Mathew Dodsworth, George Dinsdale, William Danby, Joseph Deane senior, Joseph Deane junior, Robert Dent, Bartholomew Dixon, Abraham Dent, Edmund Dixon, Roger Dickenson, Robert Dickenson, John Dickinson, Elsley, Edward Elliott, Robert Elliott, Thomas Elliott, Thomas Elliott, Thomas Elliott junior, Edward Elliott junior, Isaac Eels, Jonathan Ewbanke, Joshua Ewbanke, William Trustees Names.

William Ellwood, Charles Francis Forſter, Henry Forſter, Walter Fletcher, Thomas Fenwick, James Fenton, James Rawcett, Richard Fothergill, John Fothergill, Thomas Fothergill ſenior, Anthony Fothergill, Richard Fawcett, William Fawcett, John Fawell, Joſeph Fawell, Thomas Gill, Richard Glenton, William Green, John Gregſon, Jonathan Gibſon, Thomas Gibſon, Thomas Garnett, Thomas Greenhow, John Hutton, William Head, Ralph Hutchinſon, John Heaton, William Hutchinſon, Thomas Hutchinſon, Leonard Hartley, George Hartley, William Hutchinſon, Jeremiah Hutchinſon, Cornelius Harriſon, James Hutchinſon, William Hammond, Philip Honywood, Edward Haſſell, William Haſſell, Myles Harriſon, Lancelot Hill, Zachary Hubberſty, Richard Hoggart, John Holme, Thomas Holme, Robert Hunter, David Harriſon, Francis Harriſon, John Harriſon, James Harriſon, Henry Holme, Thomas Heelis, Thomas Hugill, John Harriſon, John Hugill, John Hall, Chriſtopher Harriſon, Richard Hindſon, Robert Hudſon, Michael Hodgſon, Lancelot Hutchinſon, James Holme, Thomas Hodgſon, Edward Johnſon, John Jaques, Anthony Jaques, Robert Iſlip, the Mayor of Kendale for the time being, William Kipling, Michael Knott, Robert Kidd, Edwin Laſcelles, Daniel Laſcelles, Edward Laſcelles, William Low, Robert Lodge, Robert Lowther, John Langton, Thomas Lamb, Edward Lamb, Richard Metcalfe, Thomas Maude, Mark Milbank, Richard March, Ralph Milner, George Metcalfe, Bernard Metcalfe, John Moore, Richard Monkhouſe, William Monkhouſe, John Metcalfe junior, John Morland, Holmes Milner, Thomas Mattinſon, William Moore, John Mounſey, William Monkhouſe, George Mounſey, Stanwix Nevinſon, William Norton, Miles North, Richard North, John Nicholſon, George Newton, John Nicholſon, Leonard Overend, John Pratt, William Preſt, Joſeph Peacock, John Park, James Pickerſgill, Henry Pullein, Ralph Parke, James Parkin, Roger Pinder, Poſtlethwaite, John Parkin, Cuthbert Redſhaw, Thomas Robſon, Thomas Raper, Caleb Redſhaw, Leonard Row, John Robinſon of Appleby, Atkinſon Robinſon, John Richardſon, John Robinſon of Flodder, Chriſtopher Richardſon, Daniel Robinſon, Joſeph Robinſon, Thomas Robinſon, Robert Robertſon, Thomas Robertſon, John Robinſon of Crook, Mathew Robinſon, Thomas Rebanks, Thomas Robinſon of Croſthwaite, the Mayor and Aldermen of Richmond for the time being, John Hall Stephenſon, James Stoddart, Miles Stapleton, Leonard Spenceley, Thomas Stapleton, James Sadler, Thomas Simpſon, William Sadler, Thomas Stodart, William

Sleigh, Charles Sleigh, James Shuttleworth, Simon Scroop, Robert Shuttleworth, John Shaw, John Shutt, Roger Soray, John Salkeld, John Savage, George Spedding ſenioꝛ, Leonard Scaife, William Tatham, Charles Turner, William Turner, Francis Thornborough, John Trotter, Chriſtopher Tennant, John Thompſon, John Taylor, Edward Tatham, John Thompſon, James Thwaites, Thomas Teaſdale, Chriſtopher Thornborough, Leonard Thornborough junioꝛ, John Upton, Lionel Vane, Chriſtopher Wilkinſon, Robert Wenſley, John Wycliffe, Charles Lowe Whytell, Henry Whitaker, Henry Whitaker junioꝛ, Thomas Wilkinſon, Daniel Wilſon, George Wilſon, Richard Whinfield, John Wilſon, John Ward, John Wordſworth, John Wilſon, John Wadeſon, Henry Wilkinſon, John Webſter Fiſher John Wharton, John Woof, Edward Waller, John Watſon, James Wilſon, John Waller, James Wharton of Langdale, Anthony Wilſon of Langdale, John Wilſon, Thomas Wilſon, John Wharton, John York, Thomas York, John Yarker, Richard Yates, Thomas Yare, Anthony Yates, the Reverend Thomas Wilſon Dean of Carliſle, the Reverend Richard Burn Chancelloꝛ of Carliſle, Wynn Bateman D. D. Chriſtopher Muſgrave D. D. Anthony Shepherd D. D. Henry Chaytor LL. D. Blackburn, Cuſtobodie, Dickinſon, Dalton, Hodgſon, Horn, Hale, Linſey, Place, Clerks; Richard Atkinſon, Thomas Barnett, Daniel Brocklebank, William Bird, James Cock, Thomas Cookſon, James Fenton, Gilpin Gorſt, John Hill, Curwen Hudleſtone, Benjamin Hill, Edward Knowſley, Thomas Kilner, William Kilner, Henry Lowther, William Lowther, William Langhorn, Thomas Milward, Richard Machell, Giles Moore, Thomas Myres, William Milner, William Preſton ſenioꝛ, William Preſton junioꝛ, Marwood Place, John Parker, Robert Stephenſon, Jonathan Sewell, Sandford Tatham, Miles Tarn, James Watſon, John Wilſon, George Williamſon, Mathias Ward, **ſhall be, and they are hereby declared to be added to and joined with the Truſtees appointed to put the ſaid foꝛmer and this preſent Act in Execution.**

Qualification of Truſtees.

Pꝛovided always, and be it further enacted by the Authoꝛity afoꝛeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of the ſaid foꝛmer oꝛ this preſent Act, unleſs at the Time of his acting as ſuch he ſhall be in his own Right, oꝛ in Right of his Wife, in the actual Poſſeſſion oꝛ Receipt of the Rents and Pꝛofits of Lands, Tenements, oꝛ Hereditaments, of the clear yearly Value of Fifty Pounds above

Reprizes; or be Heir Apparent of a Person seised of an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds; and if any Person, not being so qualified, shall presume to act in the Trusts aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who will sue for the same; to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so prosecuted shall prove that he is qualified as before directed, or shall pay the said Sum of Fifty Pounds, without any other Evidence on the Part of the Prosecutor than that he hath acted as a Trustee in the Execution of this Act.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Five or more of them, shall take such Security from their Treasurer, for the due Execution of his Office, as they, or any Five or more of them, shall think proper;

No Victualler, &c. to hold a Place of Profit.

and that no Person carrying Goods for Hire, Victualler or Retailer of Beer, Ale, Cyder, or Spirituous Liquors, shall act as a Trustee, or hold any Place of Profit under the said former or this present Act.

Tolls may be assigned for Money borrowed.

And, forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act continued will not be sufficient for the speedy amending of the Roads hereby directed to be repaired, be it further enacted by the Authority aforesaid, That the Trustees of the said Roads, or any Seven or more of them, shall, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals,

Writings to be without Stamps.

without any Stamp to be impressed thereon, to assign over the Tolls or Duties to be raised on the said Roads, or any Part thereof, subject nevertheless to the Payment of the Money already borrowed thereon and now due therefrom (the Costs and Charges of such Assignment to be borne and paid out of such Tolls and Duties) for the whole Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the Trustees of the said Roads for that Purpose, to such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money, and to secure the Repayment thereof by and out of the Monies arising or to be collected by the said Tolls or Duties on the said Road, with such Interest for the same as the said Trustees, or any Seven or more

more of them, shall think fit and agree to give; which said Money so borrowed shall (after paying a proportionable Part of the Expences of obtaining this present Act) be applied and disposed of as the said Tolls and Duties arising on the said Roads are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever; and no Preference shall be given to any Person or Persons advancing any Part or Parts of the Sum so borrowed, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Persons to whom such Assignments shall be made as aforesaid shall (so far as the said gross Sum shall extend) be, and are hereby declared to be, Creditors on the said Tolls or Duties in an equal Degree one with another; and that all and every the original Assignment and Assignments so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book shall and may be perused at all seasonable Times by any Person or Persons whatsoever, without Fee or Reward; but no Money shall be borrowed by the said Trustees upon the Credit of the said Tolls arising on the said Roads after their First Meeting, unless Twenty Days Notice be previously given thereof, by Writing under the Hand of the Clerk to the said Trustees of the Roads, to be by Order of the said Trustees, or any Seven or more of them, affixed on all the Turnpikes erected by virtue of the said former Act or this Act.

All Creditors deemed equal in Degree.

Assignments to be entered in a Book.

Notice to be given of borrowing of Money.

And be it further enacted, That all and every Person and Persons, to whom any such Assignment or Assignments shall be made by the said Trustees of the said Roads, or any Five or more of them, or who shall be intitled to the Money thereby secured, may and are hereby impowered, from time to time, by Words of Assignment to be indorsed on his, her, or their Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest-money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; and in case any Security so assigned shall not exceed the Sum of One hundred Pounds, it shall and may be lawful to and for the respective Person or Persons then intitled to such Security or Assignment respectively, by an Indorsement of his, her, or their proper Names, without Witness, to transfer his, her, or

Assignments may be transferred.

their Property in such Security, Assignment or Assignments, to any other Person or Persons without any Entry to be made with the Clerk or Treasurer, and so toties quoties as often as they shall think fit; and such Assignment shall intitle such Assignee, his, her and their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign the same again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereon due, or any Part thereof, or do any Act to the Prejudice of his Assignee, or any subsequent Assignee.

Trustees may lease the Tolls, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, upon Twenty Days Notice to be given thereof upon all the said Turnpikes from time to time, by Writing under their Hands and Seals, to lett or farm the Tolls by this Act granted, or any Part thereof, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the Term hereby granted, not exceeding Three Years at any One Letting, upon publick Bidding, to the highest Bidder and for the best Price such Trustees can get for the same; payable at such Times, and in such Manner, and under such Covenants, and with such Sureties for the Payment thereof, as the said Trustees, or any Seven or more of them, shall think fit; which Money so to be paid shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of.

And be it further enacted by the Authority aforesaid, That no Turnpike or Toll-gate shall be erected nearer the Market Town of Reeth than Punchatt Pasture West Gate.

Publick Act.

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

FINIS.