ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. xviii.

An Act for enlarging the Term and Powers of several Acts passed for repairing and widening the Roads from the East End of *Brough-under-Stainmoor* in the County of *Westmorland*, by the End of *Appleby Bridge*, to *Eamont Bridge* in the said County.

[23d *May* 1817.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of his late Majesty King *George* the Second, intituled *An Act for repairing and widening the Roads from the East End of* Brough-under-Stainmoor *in the County of* Westmorland, *by the End of* Appleby Bridge, *to* Eamont Bridge *in the said County;* whereby certain Tolls, Powers, and Authorities were given and granted to the Trustees therein named, for amending, widening, and keeping in Repair the said Roads; which Act was to have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas another Act was passed in the Nineteenth Year of the Reign of His present Majesty, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Twenty-sixth Year of his late Majesty, for repairing and widening the Roads from the East End of* Brough-under-Stainmoor *in the County of* Westmorland, *by the End of* Appleby Bridge, *to* Eamont Bridge *in the said County:* And whereas also another Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers of Two Acts made in the Twenty-sixth Year of the Reign of his late Majesty King* George *the Second, and the Nineteenth Year of the Reign of His*

26 G. 2. c. 67.

19 G. 3. c. 97.

41 G. 3. c. 82.

His preſent Majeſty, for repairing and widening the Roads from the Eaſt End of Brough-under-Stainmoor *in the County of* Weſtmorland, *by the End of* Appleby Bridge, *to* Eamont Bridge *in the ſaid County:* And whereas the Truſtees acting in the Execution of the ſaid Acts have borrowed ſeveral Sums of Money upon the Credit of the Tolls authorized by the ſaid recited Acts to be demanded, received, and taken; which Money cannot be repaid, and the Roads effectually amended and kept in good and ſufficient Repair, unleſs the Term and Powers of the ſaid Acts be further continued, and the Tolls thereby granted increaſed: 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, and all the Clauſes, Powers, Authorities, Proviſions, Exemptions, Penalties, Forfeitures, Matters, and Things therein contained (except ſuch as relate to Exemption from Stamp Duties, and except in ſuch Caſes where the ſame are hereby varied, altered, or repealed), ſhall be 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 preſent Act; which ſaid Term hereby granted ſhall be and is hereby declared to be ſubject and liable to the Payment of all Monies which have been borrowed or are now due and owing on the Credit of the Tolls to be taken by the ſaid recited Acts, and all Intereſt due and to become due and payable for the ſame reſpectively.

Recited Acts continued for a further Term.

Treaſurer and others to give Security.

II. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to take ſufficient Security from the Treaſurer or Treaſurers, Receiver or Receivers, Collector or Collectors, or other Officers to be appointed for the Purpoſes of this Act, for the faithful Execution of their reſpective Offices; and that no ſuch Treaſurer, Receiver, Collector, or other Officer ſhall be permitted to enter upon ſuch their Offices reſpectively until they ſhall have given ſuch Security.

Same Perſon not to act as Clerk and Treaſurer.

III. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the Perſon who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to continue or appoint the Perſon who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoin, Protection, or Wager of Law, nor more than One Imparlance, ſhall be allowed.

Books of Accounts to be kept.

IV. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time to cauſe to be entered in a Book to be kept by the Clerk to the ſaid Truſtees true and regular Accounts of all Sums of Money received and expended by them in the Execution of this Act, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out and paid; which Book ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any Creditor or Creditors on the Tolls hereby or by the ſaid recited Acts granted, without any Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take any Copies or Extracts from ſuch Book without paying any Thing for the ſame; and in caſe ſuch Clerk ſhall refuſe to permit ſuch Truſtees or Creditors, or any of them, to inſpect the ſame, or take Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Ten Pounds.

New Truſtees, &c.

V. And be it further enacted, That *Richard Atkinſon* of Whinfell, *Thomas Atkinſon*, *Thomas Airey*, *Henry Brougham* M. P. *James Brougham*, *William Brougham*, the Reverend *William Bird*, *Robert Blenkarn*, *John Bland*, *Orton Bradley*, *John Brownrigg* of Morlandfield, *John Bird*, *James Bird*, *James Bell*, *John Blackett*, *Andrew Craig*, *James Copley*, *Thomas Collins*, *John Dickenſon*, *Thomas Dixon*, *John Dixon* junior, the Reverend *Lancaſter Dodgſon*, *John De Whelpdale*, *William Fawcett*, *James Fawcett*, the Reverend *John Maſon Fenton*, *William Graham*, *Thomas Harriſon* of Sandford, *Chriſtopher Hutchinſon* of Temple Sowerby, *William Horn*, *Thomas Heelis*, *Edward Heelis* junior, *John Heelis*, *Robert Heelis*, *John Ion*, *Richard Jameſon*, *John Kendal* of Milburn, the Honourable *Henry Cecil Lowther* M. P. *Edward Lamb*, *Abraham Levy*, *Joſeph Moſes*, *John Morland*, *Joſeph Parker*, *John Robinſon*, *Thomas Rudd*, *Mark Ruſhton*, the Reverend *John Rippon*, the Reverend *James Satterthwaite* D.D. *John Shepherd*, *Jonathan Shepherd*, *Thomas Shepherd*, *John Smith*, *Joſeph Slater*, *Edmund Thompſon*, *Richard Tinkler* junior, *William Tinkler*, the Reverend *Philip Threlkeld*, *Robert Wilkinſon*, *James Wilkinſon*, *William Walton*, *William Wybergh*, *Thomas Watſon*, *William Waugh*, and *Francis Yates*, (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; and that the ſaid ſeveral Perſons herein-before named, together with thoſe who were appointed or elected Truſtees in or by virtue of the ſaid recited Acts, ſhall be and they are hereby appointed Truſtees to put the ſaid recited Acts and this Act into Execution as fully and effectually to all Intents and Purpoſes as if they had been appointed by the ſaid recited Acts or any of them.

Electing more Truſtees.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Nine or more of them, at a Meeting to be held for that Purpoſe, of which Meeting and the Purpoſe thereof Fourteen Days Notice ſhall be given, as is directed by the ſaid firſt-recited Act reſpecting the Appointment of Truſtees on Vacancies, to elect, nominate, and appoint any Number of fit and proper Perſons, not exceeding Ten, to be Truſtees for the Purpoſes of the ſaid Acts and this Act, in addition to the Truſtees hereby nominated and appointed; and ſuch Truſtees ſo to be appointed ſhall have the ſame Powers as if they had been nominated and appointed in and by this Act.

VII. And

Meetings on Emergencies.

VII. And be it further enacted, That if, after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing ſigned by Three or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe of ſuch Meeting, ſhall forthwith give Notice thereof in the Manner directed by the ſaid recited Acts or either of them, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees (ſuch Meeting not being leſs than Seven Days after ſuch Notice), and ſuch earlier Meeting ſhall and may be held accordingly; and all the Orders and Determinations of the ſaid Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournment; and the ſaid Truſtees or the Majority of them at all Meetings held in purſuance of the ſaid recited Acts, or either of them, or this Act, are hereby empowered to make all neceſſary Orders, Determinations, and Agreements in the Execution of the ſaid recited Acts or this Act; and no ſuch Order, Agreement, or Determination ſhall be made unleſs the Majority of the Truſtees preſent at ſuch Meeting ſhall concur therein; and no ſuch Order, Agreement, or Determination ſhall be revoked or altered at any ſubſequent Meeting unleſs ſpecial Notice ſhall be given at a former Meeting, and entered in the Order Book of the ſaid Truſtees, and alſo advertiſed Twice in the Newſpaper called *The Weſtmorland Advertiſer and Kendal Chronicle*, or ſome other Newſpaper uſually circulated in the ſaid County of *Weſtmorland*, before ſuch ſubſequent Meeting, nor unleſs Nine Truſtees, or a greater Number of the Truſtees, ſhall concur in the Revocation or Alteration thereof, than concurred in the making of any ſuch Order, Agreement, or Determination; and the ſaid Truſtees at all their Meetings ſhall defray their own Expenſes, (except paying for the Uſe of the Room in which they hold their Meetings, the Expenſe of which is to be paid out of the Money ariſing by virtue of the ſaid recited Acts or this Act.)

Continuance of former Tolls, and Commencement of new ones.

VIII. And be it further enacted, That the Tolls granted by the ſaid recited Acts ſhall be demanded and taken at the ſeveral Turnpikes and Toll Gates now erected and continued upon, acroſs, and on the Sides of the ſaid Roads, until the Eighth Day of *July* One thouſand eight hundred and ſeventeen; and that upon and after the ſaid Eighth Day of *July* One thouſand eight hundred and ſeventeen, the reſpective Tolls following ſhall be demanded and taken at each and every ſuch Toll Gate and Side Gate as is now or ſhall hereafter be ſet up and continued upon, acroſs, and at the Sides of the ſaid Road, by each and every ſuch Perſon and Perſons as the ſaid Truſtees ſhall from Time to Time appoint to receive the ſame, before any Horſe, Mule, Aſs, Cattle, Calaſh, Chaiſe, Hearſe, Waggon, Wain, Cart, or Wheel Carriage whatſoever, ſhall be permitted to paſs through the ſame; (that is to ſay),

Tolls.

For every Horſe drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Hearſe, or Calaſh, if the ſame be drawn by Six Horſes or other Beaſts of Draught, the Sum of Ten-pence for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling and Three-pence:

For every Horſe drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Hearſe, or Calaſh, if the ſame be drawn by Four Horſes or other Beaſts of

of Draught, the Sum of One Shilling for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling and Sixpence:

For every Horſe drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Calaſh, Hearſe, or Chair, if the ſame be drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling and Sixpence:

For One Horſe or other Beaſt of Draught drawing any Chaiſe, Calaſh, or Chair, the Sum of One Shilling; and on each and every *Sunday* the Sum of One Shilling and Sixpence:

For every Horſe drawing any Waggon, if the ſame be drawn by Six Horſes or other Beaſts of Draught, the Sum of Eight-pence for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling:

For every Horſe drawing any Waggon, if the ſame be drawn by Five Horſes or other Beaſts of Draught, the Sum of Eight-pence Halfpenny for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling and Three Farthings:

For every Horſe drawing any Waggon, if the ſame be drawn by Four Horſes or other Beaſts of Draught, the Sum of Nine-pence for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling and One Penny Halfpenny:

For every Horſe drawing any Waggon, if the ſame be drawn by Three Horſes or other Beaſts of Draught, the Sum of Ten-pence for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling and Three-pence:

For every Horſe drawing any Waggon, if the ſame be drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling and Sixpence:

For every Horſe drawing any Wain, Cart, or Carriage, if the ſame be drawn by Four Horſes or other Beaſts of Draught, the Sum of One Shilling and Sixpence for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of Two Shillings and Three-pence:

For every Horſe drawing any Cart, Wain, or Carriage, if the ſame be drawn by Three Horſes or other Beaſts of Draught, the Sum of One Shilling and Four-pence for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of Two Shillings:

For every Horſe drawing any Cart, Wain, or Carriage, if the ſame be drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling for each Horſe or other Beaſt of Draught; and on each and every *Sunday* the Sum of One Shilling and Sixpence:

And for One Horſe or other Beaſt of Draught drawing any Cart, Wain, or Carriage, the Sum of Eight-pence; and on each and every *Sunday* the Sum of One Shilling:

For every Horſe, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Four-pence; and on each and every *Sunday* the Sum of Six-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Eight-pence per Score, and ſo in proportion for any greater or leſs Number; and on each and every *Sunday* the Sum of Two Shillings and Sixpence:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Tenpence per Score, and ſo in proportion for any greater or leſs Number; and on each and every *Sunday* the Sum of One Shilling and Threepence:

And the ſaid reſpective Tolls ſhall be and the ſame are hereby reſpectively veſted in the ſaid Truſtees for carrying this Act and the ſaid recited Acts into Execution; and the ſame and every Part thereof ſhall be collected, recovered, levied, paid, applied, varied, reduced, aſſigned, and diſpoſed of in ſuch and the ſame Manner, and by ſuch and the ſame Ways and Means, and with ſuch Remedies for ſecuring and enforcing the due Payment thereof, and with ſuch Penalties for the Non-payment or Evaſion of the ſame, and with ſuch Powers, Proviſions, Regulations, and Exemptions, as are contained in the ſaid recited Acts with reſpect to the Tolls thereby authorized to be taken, except ſo far as the ſame Proviſions, Regulations, Remedies, Penalties, and Exemptions are by this Act varied and altered.

Waggons, &c. having Wheels and Axletrees according to 55G.3.c.119. to have an Abatement of One-fourth of Toll.

IX. And be it further enacted, That for all Waggons, Carts, or other Carriages having the Wheels of the Widths and Deſcriptions, and the Axletrees fixed as mentioned and ſet forth in and by an Act made in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying Extra Weights in certain Caſes*, and for and in reſpect of all Horſes and other Beaſts drawing the ſame reſpectively, there ſhall be allowed an Abatement of One-fourth Part of the Tolls hereby granted.

Limitation of Tolls.

X. Provided always, and be it further enacted, That no more than One full Toll ſhall be demanded and taken for or in reſpect of any Horſe, Beaſt, Cattle, or Carriage which ſhall in any one Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock of the ſucceeding Night) paſs through all the Turnpikes or Toll Gates already erected or hereafter to be erected upon or acroſs the Line of the ſaid Road.

Tolls to be paid once a Day.

XI. And be it further enacted, That from and after the ſaid Eighth Day of *July* One thouſand eight hundred and ſeventeen, no Perſon who ſhall have paid Toll, paſſing through any of the ſaid Toll Gates or Side Gates now erected and continued or hereafter to be erected upon or on the Side of the ſaid Road, ſhall be ſubject or liable to any Toll for returning, paſſing, or repaſſing through the ſame Toll Gate or Side Gate the ſame Day, before Twelve of the Clock at Night, with the ſame Coach, Chariot, Chaiſe, or other Carriage, Waggon, Wain, Cart, Horſe or Horſes, Mule or Mules, Aſs or Aſſes, Beaſt or Beaſts of Draught or Burden, or any other Cattle whatſoever for which Toll ſhall have been paid on that Day, but ſhall, on producing a Note or Ticket denoting the Payment of ſuch Toll, be permitted to paſs through ſuch Toll Gate or Side Gate with ſuch Coach, Chariot, Chaiſe, or other Carriage, Waggon, Wain, Cart, Horſe or Horſes, Mule or Mules, Aſs or Aſſes, Beaſt or Beaſts of Draught or Burden, or any other Cattle whatſoever, Toll-free; and in caſe any Collector, Receiver, or Renter of the ſaid Tolls, or any

Perſon employed by him, her, or them, ſhall refuſe to give ſuch Ticket to the Perſon demanding the ſame, every ſuch Collector, Receiver, Renter, or Perſon, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Tickets to be provided, denoting Payment of Toll.

XII. And be it further enacted, That upon Payment of the Tolls granted by this Act, the Collector or Receiver thereof ſhall and he is hereby required to deliver *gratis* to the Perſons paying ſuch Toll a Note or Ticket denoting ſuch Payment, and which Note or Ticket ſhall be provided by the ſaid Truſtees; and there ſhall be printed and ſpecified thereon the Names of the ſeveral and reſpective Gates freed by ſuch Payment.

Carriages returning with other Horſes to pay freſh Toll.

XIII. Provided always, and be it further enacted, That no Coach, Chariot, Carriage, Waggon, Wain, Cart, or other Carriage whatſoever, for which Toll ſhall have been paid at any of the ſaid Toll Gates or Side Gates, returning the ſame Day through the ſaid Toll Gates or Side Gates, drawn by any other or different Horſe or Horſes, or other Beaſt or Beaſts of Draught or Burden, nor any Coach or other Carriage that ſhall be kept or uſed by or for any Perſon or Perſons as a public Stage Coach or Stage Carriage, returning the ſame Day through any of the ſaid Toll Gates or Side Gates, ſhall be permitted to return Toll-free through the ſame Toll Gates or Side Gates the ſame Day; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

Powers for Truſtees to leſſen the Tolls.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, aſſembled at any Meeting or Meetings to be holden for that Purpoſe, and they are hereby empowered, to leſſen or reduce all or any of the Tolls by this Act granted, and for ſuch Time or Times as they the ſaid Truſtees ſhall think proper, and from Time to Time afterwards to advance all or any of the Tolls ſo leſſened or reduced to any Sum or Sums of Money not exceeding the reſpective Tolls herein-before mentioned, ſo that ſuch Reduction be made with the Conſent of the ſeveral Perſons who ſhall be entitled to Five-ſixth Parts of the Money then due on the Credit of the ſaid Tolls; and that ſuch reduced Tolls, and alſo ſuch Parts or Proportions as aforeſaid, ſhall and may be collected, levied, and applied in ſuch and the ſame Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting ſhall be held for the Purpoſe of leſſening, reducing, or advancing all or any of the ſaid Tolls after the Firſt Meeting, unleſs Twenty Days previous Notice at the leaſt ſhall be given thereof in Writing, to be affixed upon all the Turnpikes or Toll Gates which ſhall be then erected upon the ſaid Road, and alſo upon ſome conſpicuous Place or Places in *Appleby*, *Brough*, and *Temple Sowerby*, and alſo in the Newſpaper called *The Weſtmorland Advertiſer and Kendal Chronicle*, or ſome other Newſpaper uſually circulated in the ſaid County of *Weſtmorland*.

For preventing Toll Collectors from taking undue Tolls.

XV. And be it further enacted, That if any Farmer, Renter, or Collector of the ſaid Tolls ſhall demand and take, or cauſe or procure to be demanded and taken, from any Perſon or Perſons, any Toll not hereby authorized to be taken, or a greater or leſs Toll than ſo authorized, ſuch Farmer or Renter ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds; and alſo his Contract for renting the Tolls ſhall be declared to be vacated, if the ſaid Truſtees ſhall think fit to vacate the ſame;

same; and every such Collector, not being the Farmer or Renter, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; such Penalties to be respectively recovered and applied as other Penalties are by this Act directed to be recovered and applied.

The Collectors to put up their Names.

XVI. And be it further enacted, That all and every Toll Collector or Collectors, being Lessee or Lessees of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or in some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the same Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid; or shall demand or take a greater Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof; or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption; or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls or any of them, or shall in answer to such Demand give a false Name or Names; or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the several Gates freed by such Payment; or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Road, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon; then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be made shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

General Exemptions from Toll.

XVII. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Toll Gates or Side Gates erected or to be erected or continued upon the said Road, for any Horse, Cattle, or Carriages of whatsoever 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 returning therefrom; nor for the Horses belonging to any Officers, Soldiers, Militia or Local Militia, on their March or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers, Soldiers, Militia or Local Militia, or in carrying any such sick, wounded, or disabled Officers, Soldiers, or Militiamen, or returning empty after having been so employed; nor for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed

ployed in conveying any Ordnance, Barrack or Commiſſariat or other Public Stores of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces ſolely; nor for any Horſe furniſhed by or for any Perſon or Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry reſpectively, and rode by them; nor for any Carriage conveying Volunteer Infantry in going to or returning from the Place appointed for and on the Days of Exerciſe, provided that ſuch Perſon or Perſons be dreſſed in the Uniform of their reſpective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for ſuch Corps reſpectively at the Time of claiming ſuch Exemption; and that none of the ſaid Tolls ſhall be taken, demanded, or received from any Rector, Vicar or Curate, going to or returning from his own Pariſh Church or Chapel, or viſiting his ſick Pariſhioners or ſick Inhabitants of his Church or Chapelry, or on other his Parochial or Miniſterial Duty; nor from any other Perſon or Perſons going to or returning from his, her, or their Parochial Church, Chapel, or other uſual Place of Religious Worſhip on *Sundays*, or on any other Day on which Divine Service ſhall be ordered by Authority to be celebrated; or attending the Funeral of any Perſon or Perſons who ſhall die and be buried in any Pariſh, Townſhip, Chapelry, Hamlet or Place through which any Part of the ſaid Road paſſes; nor for any Horſes, Beaſts, Cattle, or Carriages, uſed or employed for the Purpoſe only of carrying or conveying any Perſon or Perſons to or from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Weſtmorland*, during the Time of ſuch Election, or on the Day before or on the Day after ſuch Election ſhall begin or be concluded, ſuch Perſon or Perſons having voted or having a Right to vote at ſuch Election; or of carrying or conveying Vagrants ſent by legal Paſſes; or of 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 or Occupiers; or of carrying or conveying any Graſs, Clover, Green Food, Fodder, Straw, Turnips or Potatoes for the Uſe of the Owners, and not for Sale or purchaſed; or of carrying or conveying any Dung, Mould, Marle, Soil, Lime, Limeſtone, Soapers Waſte, Manure or Compoſt, to be uſed only for manuring any Lands or Gardens, or going or returning empty in that Employment; nor for any Horſe, Beaſt, Cattle or Carriage going or returning from Huſbandry Work, or employed in carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, having been employed ſolely in carrying or conveying any Plough, Harrow, Drilling Machine or other Agricultural Machine or Implement of Huſbandry, or any other Thing or Things whatſoever to be employed in Huſbandry or manuring Land, or Materials for fencing, or 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, unleſs the Carriage going for or bearing the ſame be alſo laden with ſome other Thing not hereby intended to be exempted from Payment of Toll; nor for any Horſe, Beaſt, or Cattle paſſing to or repaſſing from Water or Paſture, or going to or returning from being ſhoed or farried; nor for any Horſe, Beaſt, or Cattle uſed or employed for the Purpoſe only of carrying or conveying any Gravel, Stones, Timber, Sand, or other Materials for the making or repairing any Highway or Public Road within any ſuch Pariſh, Townſhip, Hamlet or Place as aforeſaid, or for re-building or repairing any preſent or future Bridge or Bridges on the Road under this Act; nor for any Horſe, Beaſt, Cart or Carriage employed in carrying or conveying any Peat, Furze, Turf, Heath, Fern,

Ling, or Milk only, or returning empty or without any other Loading not intended to be hereby exempted from Toll after having been ſo employed: And if any Perſon ſhall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the ſame, every Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, and in all Caſes the Proof of Exemption ſhall be upon the Perſon claiming the ſame.

Penalty on Perſons fraudulently taking the Benefit of Exemptions.

Carriages conveying Military Stores not to be ſubject to Penalties for Overweight, &c.

XVIII. And be it further enacted, That no Perſon owning or driving or cauſing to be driven any Waggon, Wain, Cart or other Carriage provided for the Service of His Majeſty's Forces, or conveying any Ordnance, Barrack or Commiſſariat or other Public Stores, of or belonging to His Majeſty, or for the Uſe of His Majeſty's Forces, ſhall be ſubject to any Penalty or Forfeiture for Overweight, nor ſhall any ſuch Waggon, Wain, Cart, or other Carriage be ſtopped or detained by reaſon of any Weight in any ſuch Waggon, Wain, Cart, or other Carriage, or of being drawn by any Number of Horſes or Oxen; but it ſhall be lawful for any Owner or Driver of any ſuch Waggon, Wain, Cart, or other Carriage to put any Number of Horſes or Oxen to ſuch Waggon, Wain, Cart or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads or this Act contained to the contrary notwithſtanding.

Diſputes concerning Tolls how to be ſettled.

XIX. And be it further enacted, That if any Diſpute ſhall happen about the Amount of Toll due, or of the Charges of keeping any Diſtreſs, it ſhall be lawful for the Collector or Perſon diſtraining to detain the ſame or the Money ariſing from the Sale thereof (as the Caſe may happen) until the Amount of Toll due and the Charges of ſeizing, diſtraining, keeping and ſelling (as the Caſe may happen) ſhall be aſcertained by One or more Juſtice or Juſtices of the Peace for the County of *Weſtmorland*; who upon Application made to him or them for that Purpoſe, ſhall examine the Matter on Oath of the Parties or other Witneſs or Witneſſes, and determine the Amount of the Toll due, and ſhall award ſuch Coſts and Charges to either Party as to the ſaid Juſtice or Juſtices ſhall appear right and proper; all which Coſts and Charges ſhall and may be levied and recovered, in caſe of Non-payment thereof, forthwith by Warrant under the Hand and Seal of ſuch Juſtice or Juſtices, rendering the Overplus (if any) on Demand, after deducting the Coſts and Charges of making ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold.

Collectors of Tolls not incompetent Witneſſes.

XX. And be it further enacted, That in caſe any Diſpute, Suit, or Litigation ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, the Perſon or Perſons appointed to collect the ſame, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be incompetent to give Evidence in any ſuch Diſpute, Suit, or Litigation, by reaſon of his, her, or their being appointed to collect ſuch Tolls, or by reaſon of his, her, or their acting under the Authority of the ſaid Truſtees.

Gates to open inwards.

XXI. And be it further enacted, That no Gate of any Park, Paddock, or Field, ſhall be made to open towards the ſaid Roads, or ſhall be ſuffered to continue ſo to open, unleſs the hanging Poſts thereof ſhall be

Thirty Feet at the leaſt from the Centre of the Road; and the Occupier or Occupiers of every Park, Paddock, or Field, the Gate whereof ſhall open towards the ſaid Road, ſhall within Fourteen Days after Notice from the Surveyor or Surveyors of the ſaid Roads, cauſe ſuch Gate to be altered in ſuch a Manner as that no Part of the Gate when open ſhall project over any Part of the ſaid Road, and in default thereof the ſaid Surveyor or Surveyors is and are hereby authorized to cauſe ſuch Gate to be taken down, and afterwards fixed up in the Manner herein-before directed; and the Perſon or Perſons making Default ſhall, upon Complaint made to any Juſtice of the Peace for the ſaid County of *Weſtmorland*, and on Conviction thereof on the Oath of one credible Witneſs, pay to ſuch Surveyor or Surveyors ſuch Sum as the ſaid Juſtice ſhall direct, for defraying the Expence of ſuch Alteration, and ſhall alſo forfeit and pay any Sum not exceeding Forty Shillings for his or their Default therein.

Reſtraining the Truſtees from deviating more than One hundred Yards from the Line of Road without Conſent, &c.

XXII. And be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, in diverting, turning, varying or altering the Courſe or Path of any Part of the Road comprized in the ſaid recited Acts, to deviate more than One hundred Yards from the preſent Line or Courſe thereof, without the Conſent in Writing of the Owners or reputed Owners and Occupiers for the Time being of the Lands and Grounds which may be affected by any ſuch Diverſion or Alteration; any Thing in the ſaid recited Acts contained to the contrary hereof in anywiſe notwithſtanding.

Penalty for riding on Footpaths.

XXIII. And be it further enacted, That if any Perſon ſhall ride upon any Cauſeway, Foot or raiſed Path, made for the Convenience of Foot Paſſengers along the Side of the ſaid Roads, or ſhall wilfully drive, ſuffer, or cauſe any Horſe or other Cattle or Beaſt, or any Cart or other Carriage, to be on ſuch Cauſeway, Foot or raiſed Path, or ſhall in any Manner injure ſuch Cauſeway, Foot or raiſed Path, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered on the Oath of one credible Witneſs, or the Confeſſion of the Party offending, before any Juſtice of the Peace for the County, Town, or Place where the Offence ſhall have been committed; and in caſe of Nonpayment of ſuch Penalty at ſuch Time as ſuch Juſtice ſhall order, it ſhall be lawful for ſuch Juſtice to commit the Offender to the Common Gaol or Houſe of Correction for the County, Town, or Place where the Offence ſhall have been committed, there to remain for any Time not exceeding the Space of Fourteen Days.

No Gate to be erected within Two Miles of Appleby.

XXIV. Provided always, and be it further enacted, That nothing in the ſaid recited Acts or this Act contained ſhall extend or be conſtrued to extend to enable the ſaid Truſtees to erect or ſet up or cauſe to be erected or ſet up any Turnpike Gate or Gates, or any Side Gate or Side Gates, at any Place or Places within the Diſtance of Two Miles of the Bridge over the River *Eden* at *Appleby*.

No Gates to be altered or removed without Notice.

XXV. And be it further enacted, That in caſe it ſhall at any Time hereafter be thought expedient to remove or alter the Whole or any of the Gates now erected, or already ordered or directed by the ſaid Truſtees to be erected upon the ſaid Road, or to erect or ſet up any Side Gate or Side Gates, then and in ſuch Caſe it ſhall not be lawful for the ſaid Truſtees to remove or alter the ſame, or any of them, or to erect ſuch Side

Side Gate or Side Gates (except ſuch Gates as are now erected, or heretofore ordered to be erected by the ſaid Truſtees) unleſs at a Meeting to be called for that Purpoſe, of which Meeting Thirty Days Notice ſhall be given upon all the Gates then erected upon the ſaid Road, and advertiſed Three Times in the Newſpaper called *The Weſtmorland Advertiſer and Kendal Chronicle*, or ſome other Newſpaper uſually circulated in the ſaid County of *Weſtmorland*.

Form of Mortgage.

XXVI. And be it further enacted, That any Mortgage or Mortgages, which may hereafter be made of the Tolls payable by virtue of the ſaid recited Acts and this Act ſhall and may be drawn up in the Form or to the Effect following; that is to ſay,

'BY virtue of an Act paſſed in the Fifty-ſeventh Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*] We, of the Truſtees for putting the ſaid Act and the ſeveral Acts therein mentioned in Execution, in conſideration of the Sum of paid by of to the Treaſurer of the ſaid Road, do hereby bargain, ſell, and aſſign unto the ſaid Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls and Money to ariſe upon the ſaid Road, as the Sum of doth or ſhall bear to the whole Sum due, or hereafter to become due on the Security thereof; to hold the ſame unto the ſaid Executors, Adminiſtrators, and Aſſigns, from the Day of the Date hereof, for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt at the Rate of *per Centum per Annum*, ſhall be ſooner paid and ſatisfied. Given under our Hands and Seals this Day of .'

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk of the ſaid Truſtees; and all Perſons to whom any Mortgage ſhall be made as aforeſaid, or who ſhall be poſſeſſed of any Mortgage made by virtue of the ſaid recited Acts, or any or either of them, or who ſhall be entitled to the Money thereby reſpectively ſecured, may from Time to Time transfer his, her, or their Right, Title, Intereſt or Benefit to the ſaid Mortgage, and the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by ſigning an Inſtrument to be annexed to ſuch Security, or by indorſing on the Back of ſuch Security, before One credible Witneſs, the following Words, or Words to the like Effect; that is to ſay,

'I *A. B.* do transfer the within Mortgage, or the annexed Mortgage [*as the Caſe may be*] with all my Right and Title to the Principal Money hereby [*or*, thereby] ſecured, and all the Intereſt now due and to grow due thereon, unto *C. D.* his Executors, Adminiſtrators, and Aſſigns. Dated this Day of One thouſand eight hundred and .'

'*A. B.*'

'Witneſs, *E. F.*'

Which Transfer ſhall be produced and notified to the ſaid Clerk or Treaſurer, who ſhall cauſe an Entry or Memorial to be made thereof in the before-

before-mentioned Book or Books, containing the Numbers, Dates, Names of the Parties, and Sums of Money therein transferred, for which the ſaid Clerk ſhall be paid ſuch Sum as the ſaid Truſtees or any Five or more of them ſhall appoint not exceeding the Sum of Twenty Shillings; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, or Aſſigns, to the Benefit thereof and Payment thereon; and ſuch Aſſignee may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; but in caſe any Sum or Sums of Money ſo to be transferred ſhall not exceed the Sum of Fifty Pounds, it ſhall be lawful for the reſpective Perſons entitled thereto, by an Endorſement of his, her, or their Name or Names, without Witneſs, to transfer his, her, or their Intereſt or Property therein to any other Perſon or Perſons, without any Entry being made thereof, in Manner aforeſaid; and it ſhall not be in the Power of any Perſon or Perſons, except the Perſon or Perſons to whom the ſame ſhall be laſt transferred, to make void, releaſe, or diſcharge the original Security, or any Monies thereby due, or any Part thereof; and the ſaid Truſtees or any Five or more of them may and ſhall, if thereunto required, receive in and cancel all or any Mortgages or Aſſignments now ſtanding out that were made by virtue of the ſaid recited Acts or any or either of them, and give and execute another or others for the reſpective Sums in Manner aforeſaid, inſtead and in lieu thereof reſpectively.

Application of Compenſation Money exceeding 200l.

XXVII. And be it further enacted, That if any Monies ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed by virtue of the Powers of the ſaid recited Act or this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, 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 recited Acts and this Act, 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, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, 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, Tenements, 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 meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the Court of Chancery, upon Application there-

to, 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and 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 said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application of Compensation Money less than 200l. and exceeding 20l.

XXVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, 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 Cases the same shall, at the Option of the Person and Persons for the Time being entitled to the Rents and Profits of the 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 to 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 (such Nomination and Approbation to be signed 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 Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation under 20l.

XXIX. Provided also, and be it further enacted, That where 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 Hereditaments so purchased, taken, or used for the Purposes of the said recited Acts and this Act, and 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 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, Pur-

XXX. 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 the said recited Acts or 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 any Five or more of them; or in case the 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,

Lands, Tenements, or Hereditaments be not found or discovered, then and in every such Case it shall and may be lawful 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 Privity of the said Accountant General of the High 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, Control, and Disposition of the said High Court of Chancery, which said Court, 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 Public 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 same Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum and 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.

Chase Money to be paid into the Bank;

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

XXXI. Provided always, and be it further enacted, That where 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 Privity of the said Accountant General of the High Court of Chancery, in pursuance of the said recited Acts or of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such 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 Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the 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 other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Respecting disputed Titles.

XXXII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it

The Court of Chancery may order reasonable Expenses of Purchases to be paid by Trustees.

it ſhall and may be lawful to and for the ſaid High Court of Chancery to order the Expenſes of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Acts or this Act, or ſo much of ſuch Expenſes as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Notice to be given before Materials taken, &c.

XXXIII. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or any other Perſon or Perſons acting by or under the Authority of the ſaid recited Acts or this Act, to dig, gather, get, take, or carry away any Materials for repairing the ſaid Road, or any Part or Parts thereof, out of or from any incloſed Lands or Grounds, without the Conſent in Writing of the Owners thereof firſt had and obtained for that Purpoſe, or until Ten Days previous Notice in Writing, ſigned by the Surveyor of the ſaid Road, ſhall have been given to the Occupiers of the Premiſes from which ſuch Materials are intended to be taken, or left at the Houſe or laſt uſual Place of Abode of ſuch Occupiers, to appear before Two or more Juſtices of the Peace acting in and for the County or Place in which ſuch Lands ſhall be ſituate, to ſhow Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier or his Agent ſhall not attend or ſhall attend purſuant to ſuch Notice, but ſhall not ſhow ſufficient Cauſe to the contrary, then and in either of the ſaid Caſes the ſaid Juſtices ſhall authorize ſuch Surveyor or Surveyors, or other Perſon or Perſons, to dig, gather, get, take, and carry away ſuch Materials at ſuch Time or Time as to the ſaid Juſtices ſhall ſeem proper; and ſhall and may make ſuch Order therein as they ſhall think fit, making or tendering ſuch Satisfaction for the Materials, and for the Damage done to the Owners or Occupiers reſpectively of ſuch Lands or Grounds where or from whence the ſame ſhall be dug, gathered, gotten, taken, or carried away, or upon, over, or through which the ſame or any other Materials ſo dug for repairing the ſaid Road, and gathered as aforeſaid, ſhall be conveyed, as any Two or more Juſtices of the Peace for the ſaid County of *Weſtmorland* ſhall adjudge reaſonable.

Perſons chargeable to Statute Work to continue ſo.

XXXIV. And be it further enacted, That ſo much of the ſaid recited Acts as relates to the Performance of Statute Labour on the ſaid Road ſhall be and the ſame is hereby repealed; and that from and after the paſſing of this Act, all Perſons who by Law are or ſhall be liable to do Statute Work, or who are or ſhall be chargeable towards repairing and amending the ſaid Road, or any Part thereof, ſhall ſtill remain liable thereto in like Manner as heretofore; and it ſhall and may be lawful for any Two or more Juſtices of the Peace for the ſaid County of *Weſtmorland*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Surveyor by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Road by the Inhabitants of the reſpective Pariſhes or Places in which the ſaid Road lies, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work, ſhall be by him or them paid to the ſaid Truſtees or their Treaſurer; and in order thereunto it

Juſtices to determine Differences touching Statute Work.

ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Pariſh or Place to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Fourteen Days after the ſerving of ſuch Summons), of the Names of the ſeveral Perſons who within ſuch Pariſh or Place are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid; which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force or Effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject or liable to do Statute Work as aforeſaid to do ſuch Number of Days Statute Work in every Year upon the ſaid Road, as the ſaid Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times (not being Hay-time or Harveſt), and on ſuch Parts of the ſaid Road, as the ſaid Truſtees, or their Surveyor or Surveyors (by their Order) ſhall from Time to Time order, direct, and appoint; and the ſaid Juſtices ſhall and may alſo order and direct the Perſons who by ſuch Liſts ſhall appear to be ſubject and liable to the Payment of any Money in lieu of or as a Compoſition of Statute Work as aforeſaid, to pay ſuch Proportion thereof as the ſaid Juſtices ſhall think proper to the ſaid Truſtees or their Treaſurer, at ſuch Time or Times as the ſaid Juſtices ſhall direct; and in default of Payment thereof the ſame ſhall and may be recovered and levied by Diſtreſs and Sale of the Goods and Chattels of the reſpective Perſons liable to the Payment thereof, in like Manner as other Penalties and Forfeitures impoſed by this Act or the ſaid recited Acts may be recovered; and each and every Perſon who ſhall neglect or refuſe to do ſuch Statute Work as aforeſaid (after Notice in Writing given to or left for him, her, or them, at his, her, or their laſt or uſual Place or Places of Abode for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees) ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts to be provided by him, her, or them, be ſubject and liable to ſuch Payments, Pains, Penalties, and Forfeitures as ſuch Perſon or Perſons may be ſubject or liable to by any Law or Statute in Force and Effect for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe every ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had neglected or refuſed to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer of the ſaid Truſtees, and applied towards amending the ſaid Road; and in caſe the ſaid Surveyor or Surveyors of the Highways of any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds,

to be recovered, levied, apportioned, and applied as other Penalties and Forfeitures impoſed by the ſaid recited Acts or this Act may be recovered, and are directed to be apportioned and applied.

For paying the Expenſes of this Act.

XXXV. And be it further enacted, That the Charges and Expenſes of obtaining and paſſing this Act ſhall be defrayed out of any Money already raiſed by virtue of the ſaid recited Acts, or out of the firſt Money to be raiſed by virtue thereof and of this Act, in preference to all other Payments whatſoever.

Public Act.

XXXVI. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

Term and Continuance of this Act.

XXXVII. And be it further enacted, That the Term granted and continued by the ſaid recited Acts ſhall from and after the Eighth Day of *July* One thouſand eight hundred and ſeventeen, ceaſe and determine; and that the ſaid recited Acts (ſave and except ſuch Parts thereof as are hereby repealed) 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.

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