ANNO QUARTO

# GEORGII IV. REGIS.

## *Cap.* xxiii.

**An Act for more effectually amending, improving, and keeping in Repair the Road between the Towns of *Cockermouth* and *Workington* in the County of *Cumberland*. [12th *May* 1823.]**

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for repairing the Road from the City of* Carlisle *in the County of* Cumberland, *to the Market and Seaport Town of* Workington *in the said County:* And whereas another Act was passed in the Nineteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering the Powers of an Act made in the Twenty-sixth Year of the Reign of His late Majesty King* George *the Second, for repairing the Road from the City of* Carlisle *in the County of* Cumberland, *to the Market and Seaport Town of* Workington *in the said County, so far as the same relates to the Road between the Town of* Cockermouth *and* Workington *aforesaid:* And whereas another Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, 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 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 present Majesty, for repairing the*

26 G. 2. c. 49.

19 G. 3. c. 105.

41 G. 3. c. 20.

*the Road from the City of* Carlisle *in the County of* Cumberland, *to the Market and Seaport Town of* Workington *in the said County, so far as the same relate to the Road between the Town of* Cockermouth *and* Workington *aforesaid:* And whereas an Act was passed in the Third
3 G. 4. c. 126. Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: And whereas the Trustees appointed by or in pursuance of the said Three first recited Acts have made great Progress in the Repair of the said Road between the Town of *Cockermouth* and *Workington* aforesaid, and borrowed several Sums of Money upon the Credit of the Tolls authorized to be collected thereon, a considerable Part of which, with an Arrear of Interest, now remains due, and cannot be repaid, nor the said Road effectually amended and kept in Repair, unless the Term of the said Acts be continued and enlarged, and further Powers granted; and it would be convenient if the Powers for managing the said Road were consolidated in One Act of Parliament: 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

Three first recited Acts repealed.

from and after the passing of this Act, so much of the said recited Acts of the Twenty-sixth Year of the Reign of His Majesty King *George* the Second, and the Nineteenth and Forty-first Years of the Reign of His late Majesty King *George* the Third, as relate to the said Road between the Towns of *Cockermouth* and *Workington*, shall be and the same are hereby declared to be repealed; and instead thereof this Act shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in Repair the Turnpike Road herein-after described; and that the Term and Tolls hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on account of the said Three first recited Acts hereby repealed, and also of all such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said last recited Act and this Act, and of all Interest due and to grow due for the same respectively.

Powers of 3 G. 4. c. 126. extended to this Act.

II. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Appointment of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Cumberland*, together with the Right Honourable *William* Lord Viscount *Lowther*, the Honourable *Henry Cecil Lowther*, Sir *Philip Musgrave* Baronet, Sir *Frederick Fletcher Vane* Baronet, Sir *James Graham* of *Edmund Castle*, Baronet, *Francis Fletcher Vane*, *John Lowther*, *John Christian Curwen*, *John Henry Lowther*, *William Wilson Carus Wilson*, *William James*, *William Browne*, *Henry Curwen*, *John*

*John Christian*, *Ralph Cooke*, *Joseph Dykes Ballantine Dykes*, *Milham Hartley*, *Wilfrid Lawson*, *James Clarke Satterthwaite*, *Humphrey Senhouse* (*Netherall*), *Humphrey Senhouse* (*Hameshill*), *John Spedding*, *James Spedding*, *James Steel*, *Thomas Wybergh*, *Richard Watts*, the Reverend *James Satterthwaite* D.D., *John Benson* Clerk, *Lancaster Dodgson* Clerk, *Edward Fawcett* Clerk, *Peter How* Clerk, *Humphrey Archer Harvey* Clerk, *Henry Lowther* Clerk, *John Langton Leech* Clerk, *John Rudd* Clerk, *Edward Stanley* Clerk, *Richard Atkinson*, *Joseph Birbeck*, *Thomas Birkett*, *John Bacon*, *Isaac Brown*, *Mordaunt Lawson Clennell*, *Daniel Clift*, *Robert Cort*, *Richard Cooke*, *Fretchville Lawson Ballantine Dykes*, *William Dixon*, *William Dobinson*, *John Dodgson*, *Thomas Dixon*, *William Fell*, *John Fisher* (*Cockermouth*), *John Fletcher*, *David Fletcher*, *John Sanderson Fisher*, *John Fawcett*, *John Wilson Fletcher*, *Joseph Fisher*, *John Fisher* (*Coldkeld*), *Andrew Green*, *John Harris*, *John Hudson*, *John Hodgson*, *John Hartley*, *Ponsonby Harris*, *Joseph Harris*, *Nathaniel Nicholson*, *John Norman*, *Peter Nicholson*, *Allan Pearson*, *John Peat*, *Jonathan Peile*, *William Paisley*, *William Rudd*, *John Ribton*, *Thomas Rudd*, *Humphrey Senhouse* the younger, *John Steel*, *John Stamper*, *Thomas Spedding*, *Thomas Smith*, *Matthew Smith*, *William Swinburn*, *Miles Steel*, *William Senhouse*, *William Salkeld*, *John Thompson*, *Henry Teshmaker Thompson*, *Benjamin Thompson*, *Charles Thompson*, *William Wybergh*, *John Watson*, *Roger Williamson*, *John Wilson*, *Joseph Walker*, *Skelton Wood*, *Joseph Ratcliffe Wilson*, *John Ashley Wittaker*, *William Wood*, shall be and they are hereby appointed the Trustees for amending, widening, altering, improving, and keeping in Repair the said Turnpike Road between the Towns of *Cockermouth* and *Workington* aforesaid, and for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty as are not expressly varied, altered, or otherwise provided for by this Act.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose, (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given as is directed by the said last recited Act, respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit Persons, not exceeding Three, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be, and they are hereby invested with the same Powers and Authorities for executing the said last recited Act and this Act, as if they had been named and appointed by this Act.

Trustees to be sworn.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act, passed in the Third Year of the Reign of His present Majesty, is directed and prescribed; and unless (being so qualified) he shall, before he shall act as a Trustee (except in administering the Oath herein-after mentioned), take and subscribe before one or more of the said Trustees, (who is and are hereby empowered to administer the same,) the Oath following; (that is to say),

'I ..... do swear, That I will truly and impartially, 'according to the best of my Judgment, execute and perform the 'several Powers, Authorities, and Trusts reposed in me as a Trustee 'by virtue of an Act passed in the Fourth Year of the Reign of His 'Majesty King *George* the Fourth, intituled *An Act* [*here set forth the 'Title of this Act*], and also an Act passed in the Third Year of the 'Reign of His said Majesty, intituled [*here set forth the Title of the said 'recited Act made in the Third Year of the Reign of His present Majesty.*]

'So help me GOD.'

And if any Person shall act as a Trustee in the Execution of this Act (except as aforesaid) before he shall have taken and subscribed the said Oath, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said Act of the Third Year of the Reign of His present Majesty or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory; but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

First Meeting of Trustees.

VI. And be it further enacted, That the said Trustees shall meet at *Broughton Cross House*, on *Friday* the Ninth Day of *May* next, or as soon after as conveniently may be, between the Hours of Twelve in the Forenoon and Four in the Afternoon, and shall then proceed to carry the said recited Act of the Third Year of the Reign of His present Majesty and this Act into Execution.

Appointing Officers, Salaries, &c.

VII. And be it further enacted, That the said Trustees may and they are hereby empowered by Writing under their Hands to appoint such Collector or Collectors of the Tolls arising on the said Road, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Suveyors of the said Road, and such other Officers as the said Trustees shall think necessary, and such Collectors, Clerks, Treasurers, Surveyors and other Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of the said last recited Act and this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors and other Officers, and to such other Person or Persons as shall be assisting them, or any of them, in or about the Execution of the said last recited Act and this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable.

Clerk not to act as Trea-

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to

to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk, or any Person in the Service or Employ of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, to be the Clerk to the said Trustees; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk, or any Person in the Service or Employ of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending 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, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

surer, and vice versâ.

IX. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer), who have been appointed under and employed in the Execution of such Parts of the said former Acts as are hereby repealed, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced, or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Officers to continue.

X. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Road, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the Road by this Act directed to be improved and repaired, shall account for and pay and deliver over the same, and every Part thereof, to the Trustees in and by this Act named and appointed, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are, by the said recited Act passed in the Third Year of the Reign of His present Majesty and this Act, required to pay or account for the same.

Books, &c. relative to former Acts, to be delivered to the Trustees under this Act.

XI. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing such Parts of the said recited Acts hereby repealed, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if such Parts of the said recited Acts had not been repealed.

Books used under former Acts to be Evidence.

XII. And be it further enacted, That all Bonds, Covenants, Agreements and Securities, made or entered into by any Person or Persons to or with any of the said Trustees for executing the said Three first recited Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law, until the same are fully satisfied and performed;

Securities entered into under the former Acts to remain in force until satisfied.

formed; and all Contracts, Agreements, Demises, Mortgages and Securities, duly made and entered into by the said Trustees for executing the said Three first recited Acts hereby repealed, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof.

**Power to continue and erect Toll Gates, Toll Houses, &c.**

XIII. And be it further enacted, That the said Trustees may and they are hereby authorized to continue or remove all or any of the Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Road between the Towns of *Cockermouth* and *Workington*, by virtue of such Parts of the said Acts hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates and Toll Houses, Weighing Machine or Weighing Machines, in, upon, or across any Part of such Road, and also in, upon, and across such Parts and in such Places of the said Road by this Act directed to be widened, improved, and kept in Repair, and also such and so many Toll Gate or Toll Gates on the Sides of the said Road, as they the said Trustees shall think proper and expedient; and also shall or may erect or provide a Toll House, with suitable Buildings, a Garden and other Conveniences, not exceeding One Fourth Part of a Statute Acre of Land at or near each of the said Toll Gates.

**Power to sell the present Toll Houses.**

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected upon the said Road between *Cockermouth* and *Workington*, by virtue of such Parts of the said Acts hereby repealed, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Out Houses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Nonapplication thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said last recited Act directed to be given where any Piece or Pieces of Ground, or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

**Power to take Tolls.**

XV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls following, at the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Gate or Side Bar already erected upon the said Road, between

tween *Cockermouth* and *Workington*, by virtue of such Parts of the said recited Acts hereby repealed, to be repaired by virtue of this Act, and which by virtue of this Act shall be continued or erected, in, upon, or across any Part of the said Road, and across or on the Side of any Lane, Road, or Way leading into or out of any Part of the said Road, and on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say),

Tolls.

For every Horse, Mule, or Ass drawing any Coach, Landau, Berlin, Phaeton, Curricle, Chariot, Chaise, Calash, Hearse, Caravan, Chair or such like Carriage, the Sum of Three-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof are of the Breadth of Six Inches or upwards, the Sum of One Penny:

For every Horse or other Beast drawing any Waggon, Wain, Cart or other such like Carriage, the Fellies of the Wheels whereof are of the Breadth of Four Inches and a Half and under Six Inches, the Sum of One Penny Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof are of less Breadth than Four Inches and a Half, the Sum of Two-pence:

For every Horse, Mule or Ass, laden or unladen, and not drawing, the Sum of One Penny; but that for every Horse, Mule or Ass, or other Beast drawing any Cart or other Carriage laden with Coals, and passing through any of the Toll Gates erected or to be erected by virtue hereof, there shall be demanded and paid the Sum of One Penny and no more; and for every Horse, Mule, Ass, or other Beast laden with Coals and not drawing, the Sum of One Halfpenny, and no more:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any less Number; and

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

Tolls to be paid before Cattle pass the Gates.

And the said respective Tolls shall (subject to the Restrictions and Exemptions in the said last recited Act and this Act contained) be demanded and taken before any Horse, Mule or other Beast, Coach, Waggon, Cart or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Road by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same.

Tolls to be vested in Trustees.

XVI. And be it further enacted, That all and every the Tolls by the said recited Act of the Third Year of the Reign of His present Majesty and this Act authorized to be taken, shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in Manner directed by the said last-mentioned Act and this Act.

No more than One full Toll to be taken in any One Day.

XVII. And be it further enacted, That no more than One full Toll shall be taken upon the said Road, for the same Horses, Beasts, Cattle and Carriages passing through all or any of the Toll Gates erected or to be erected across or on the Sides of the said Road in any one Day, such Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night.

XVIII. Pro-

Stage Coaches, &c. to pay each Time of passing.

XVIII. Provided always, and be it further enacted, That for and in respect of all Horses drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers for Payment, Hire or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike Gate or Toll Bar, the Tolls hereby made payable shall be paid for repassing through such Gate or Bar, in like Manner as if no Toll had been before paid thereat, and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaises and other Carriage carrying Passengers for Hire, for every Time of passing and repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring.

Chalk and Lime exempt from Toll.

XIX. And be it further enacted, That all Chalk and Lime passing through any of the Turnpike Gates or Toll Bars on the said Road shall be and the same is hereby exempt from the Payment of any Toll, provided the same be used only for Manure.

Application of Tolls.

XX. And be it further enacted, That out of the Tolls and other Monies to be collected and levied under or by virtue of the said last recited Act and this Act, or out of the Monies to be borrowed on the Credit thereof, the said Trustees shall, after Payment of the Charges and Expences incurred in, about, and relating to the obtaining and passing of this Act, defray the Expence and Charge of erecting and providing the Turnpikes, Toll Gates, and Toll Houses, and of repairing, widening, altering, turning, keeping in Repair and improving the said Road, and of executing the other Purposes of the said last recited Act and this Act, and to no other Use or Purpose whatsoever.

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

XXI. Provided always, and be it further enacted, That it shall not be lawful to or for the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had or obtained for that Purpose.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

XXII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice

Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being (as the Case may be): Provided always, that it shall and may be lawful for such Treasurer to retain out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of any such Order as aforesaid.

Statute Labour.

XXIII. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards the repairing and amending the said Road, shall be and remain liable thereto in like Manner in every respect as they now are or have heretofore been; and it shall be lawful for any Two or more Justices of the Peace in and for the said County of *Cumberland*, and they are hereby required and empowered, upon Application made to them by the Treasurer, Clerk, or Surveyor of the said Road, 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, Hamlets, and Places in or through which the said Road does or shall lie, lead, or pass; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Hamlet, or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto, it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Hamlet, or Place, to bring in a List before the said Justices at some Place to be expressed in such Summons, within Ten Days after the serving of such Summons, of the Names of the several Persons who within such Parish, Hamlet, 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 are or may be directed by any Law or Statute in force or effect for the Repairs of the public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do 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 Part of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, or appoint; and the said Justices shall and may order and direct the Surveyor or Surveyors of such Parishes, Hamlets and Places respectively, to pay over to the said Trustees or their Treasurer such Proportion of the Composition for Sta-

tute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; 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, by any Surveyor 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 Fines, Penalties and Forfeitures as such Person or Persons may be subject or liable to by any Law or Statute now in force or effect for Repairs of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on any Part of the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and dismiss the Person who shall be found idle and negligent as aforesaid, and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments as 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 Surveyor or Surveyors of the Highways for any of the said Parishes, Hamlets or Places, shall refuse or wilfully neglect to give in any such Lists as aforesaid, or shall knowingly or wilfully give in false and imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money or any Part thereof in Manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Cumberland*, on Complaint made to such Justices by the Surveyor to the said Trustees.

Money to be applied towards a Sinking Fund.

XXIV. And be it further enacted, That from and after the Thirteenth Day of *May* next, the Sum of One Pound *per Centum per Annum* on the Amount of all principal Monies due and secured on the Tolls of the said Road, and on the Amount of every further Sum of Money which shall be borrowed or taken up at Interest on the Credit or Security of the Tolls of the said Road, shall, during the Continuance of this Act, be appropriated and paid out of the said Tolls, in order to form a Sinking Fund for the gradual Payment of all and every the said Monies; and that after the Payment of any such principal Monies, the full Interest which would have been otherwise payable for or in respect of the same to the Creditor or respective Creditors, shall from thenceforth and during the Continuance of this Act be appropriated and paid out of the said respective Tolls in aid of the said Sinking Fund; and that as often as such Sinking Fund shall amount to the Sum of One hundred Pounds, that Sum, and such Part of the Balance of any other Monies in the Hands of the Trustees as they shall think proper, shall be applied in Payment of an equal Amount of the principal Monies then remaining due or owing on the Credit or Security of the Tolls of the said Road, rateably or by Lot among the said Creditors, as the said Trustees shall think proper.

XXV. 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. Public Act.

XXVI. And be it further enacted, That this Act shall commence upon the passing thereof, and shall be and continue in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament. Term and Continuance of this Act.

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