ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxxvii.

An Act for more effectually repairing the Road leading from *Heron Syke* to *Kirkby* in *Kendal*, and from thence through *Shap*, to *Eamont Bridge*, in the County of *Westmorland*; and for making a new Road from the said Road, at a Place called *Far-Cross-Bank*, near *Kirkby* in *Kendal*, to communicate with the intended Canal from *Lancaster* to *Kirkby* in *Kendal*, and to join the said Road at or near a Place called the *Lound*, near *Kirkby* in *Kendal* aforesaid. [2d *May* 1815.]

WHEREAS an Act was made in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for widening and repairing the High Road leading from* Heron Syke, *which divides the Counties of* Lancaster *and* Westmorland, *to the Town of* Kirkby *in* Kendal, *and from the said Town of* Kirkby *in* Kendal, *through the Town of* Shap, *to* Eamont *Bridge, in the said County of* Westmorland: And whereas another Act was made in the Nineteenth Year of the Reign of His present Majesty, intituled *An Act for enlarging the Terms and Powers of an Act made in the Twenty-sixth Year of the Reign of His Majesty King* George *the Second, for widening and repairing the High Road leading from* Heron Syke, *which divides the Counties of* Lancaster *and* Westmorland, *to the Town of* Kirkby *in* Kendal, *and from the said Town* 26 G. 2. c. 52. 19 G. 3. c. 108.

of Kirkby *in* Kendal, *through the Town of* Shap, *to* Eamont *Bridge in the ſaid County of* Weſtmorland: And whereas another Act was made in
40 G. 3. c. 22. the Fortieth 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 altering and enlarging the Powers of Two Acts paſſed for widening and repairing the High Road leading from* Heron Syke, *which divides the Counties of* Lancaſter *and* Weſtmorland, *to the Town of* Kirkby *in* Kendal, *and from the ſaid Town of* Kirkby *in* Kendal, *through the Town of* Shap, *to* Eamont *Bridge, in the ſaid County of* Weſtmorland: And whereas the making and keeping in Repair a Turnpike Road from and out of the ſaid Road at a Place called *Far-Croſs-Bank*, near the ſaid Town of *Kirkby* in *Kendal*, to join and communicate with the Head or Baſin of the intended Canal from *Lancaſter* to *Kirkby* in *Kendal*, and to join and communicate again with the ſaid Road, at or near a Place called the *Lound*, near the ſaid Town of *Kirkby* in *Kendal*, would be attended with great Convenience, Accommodation, and Advantage, to the Owners and Occupiers of Lands, and to the Inhabitants in the Pariſhes through which the ſaid Road paſſes, and the adjacent Country, and would open a ſhorter and better Communication with the Head or Baſin of the ſaid intended Canal and the other Part of the ſaid Road, and would in other Reſpects be of great Public Utility: And whereas the Truſtees, appointed in and by virtue of the ſaid Acts, have proceeded in the Execution thereof, and have borrowed ſeveral Sums of Money upon the Credit of the Tolls authorized by the ſaid recited Acts to be demanded and taken, which Money cannot be repaid, and the Road be kept in ſufficient Repair nor can the ſaid new Road be made and kept in Repair, unleſs the ſaid Acts (except as hereinafter mentioned) are repealed, and further and other Powers for thoſe Purpoſes given, and the Tolls 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 from and after the firſt *Tueſday* next after the paſſing of this Act, the ſaid recited Acts (except ſuch Parts of the ſaid laſt recited Act as relate to the widening, turning, ſhortening, varying, or altering the Courſe of the ſaid Road, leading from *Heron Syke* to *Eamont Bridge*, mentioned in the ſaid recited Acts), ſhall be and the ſame are hereby repealed; and that inſtead thereof this Act ſhall commence and take Effect, and be put into Execution, for and during the Term hereinafter mentioned, for the Purpoſe of more effectually repairing, amending, improving, making, and keeping in Repair, the Road mentioned and deſcribed in the ſaid Acts, and hereinafter mentioned, that is to ſay, the Road leading from *Heron Syke*, which divides the Counties of *Weſtmorland* and *Lancaſter* to the Town of *Kirkby* in *Kendal*, and from the ſaid Town of *Kirkby* in *Kendal*, through the Town of *Shap*, to *Eamont Bridge*, in the ſaid County of *Weſtmorland*, through the ſeveral Pariſhes of *Burton* in *Kendal*, *Beethom*, *Heverſham*, *Kirkby* in *Kendal*, *Orton*, *Croſby*, *Ravenſworth*, *Shap*, *Morland*, *Lowther*, *Clifton*, *Brougham*, and *Barton*, in the ſaid County of *Weſtmorland*; and the Road intended to be made from and out of the ſame at *Far-Croſs-Bank*, to join and communicate with the Head or Baſin of the intended Canal from *Lancaſter* to *Kirkby* in *Kendal*, and to join the ſaid Road at or near a Place called the *Lound*, near *Kirkby* in *Kendal* aforeſaid.

Recited Acts repealed, and this Act to be executed inſtead thereof.

This Act made ſubject to the Pay-

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, ſhall be, and they are hereby made 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 authorized to be taken by the said Acts, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes, as if such Monies had been borrowed, or had become due and owing, on the Credit or on Account of this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said former Acts, shall be liable to the Payment thereof to the said Trustees, and to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities, entered into by any Person or Persons to or with the Trustees for executing the said former Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on Account of and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, made and entered into by the said Trustees for executing the said former Acts, shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Stipulations thereof respectively, the repeal of the said former Acts, or any Law to the contrary notwithstanding.

Payment of all Monies borrowed on the Credit of the former Acts.

Persons owing Money to continue liable; and all Bonds, Contracts, &c. to remain in full force.

III. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they and their Successors, and their Deputies, Agents, Servants, Workmen, and Assistants, are hereby authorized and empowered to make and cause to be made, and to maintain and keep in Repair, a new Road, of the Width of Forty Feet, from and out of the present Road, at a Place called *Far Cross Bank*, near the Town of *Kirkby* in *Kendal* aforesaid, to communicate with the Head or Basin of the intended Canal from *Lancaster* to *Kirkby* in *Kendal*, and to join the said Road again at or near a Place called the *Lound*, near *Kirkby* in *Kendal* aforesaid, and to make and carry the Line of the said Road on either Side of the said intended Canal, and to build and cause to be erected and built, and to maintain and keep in Repair, a Bridge across the said Canal, if necessary, and to dig Foundations on the Land and Ground on each Side thereof for the Abutments of the said Bridge; and to remove all Gravel, Sand, Mud, and other Impediments which may hinder the making of the said new Road, and building and completing the said Bridge; and to execute all Things necessary for making, erecting, completing, and keeping in Repair the said new Road and Bridge, according to the true Intent and Meaning of this Act; which said Road, when so made and completed, and also the said Bridge, shall be a public Highway and Turnpike Road, and shall be considered and taken as a Part of the public Highway leading from *Heron Syke* to *Eamont* Bridge, and as such shall be kept in Repair by the said Trustees during the Continuance of this Act.

Power to make new Road.

IV. Provided always, and be it further enacted, That the said new Road shall not at any Time be made or commenced without the Order of a Majority of Three-Fifths of such Trustees, under this Act, as shall be assembled at any Time or Times, or from Time to Time at some Special Meeting or Special Meetings of the said Trustees, to be called and holden for that Special Purpose, of which said Meeting or Meetings, and of the Cause thereof, the Clerk to the said Trustees shall give Notice in the *Kendal* and *Lancaster* Newspapers; and in case such Newspapers should not be printed, then in such other Newspaper or Newspapers, as shall be usually

New Road not to be made without Consent of Three-fifths of Trustees, &c.

uſually circulated in the ſaid County of *Weſtmorland*, at leaſt Three Weeks previous to the Day on which the ſaid Meeting or Meetings is or are intended to be holden: Provided always, that no Toll ſhall be taken upon the ſaid new Road until the ſame ſhall be made and completed for the Paſſage of Horſes, Carriages, and Cattle.

Truſtees.

V. And be it further enacted, That the Mayor, Aldermen, Recorder, and Deputy Recorder of the Burgh of *Kirkby* in *Kendal* for the Time being, the Vicar of *Kirkby* in *Kendal* for the Time being, *Thomas Atkinſon*, *William Atkinſon*, *William Waltham Atkinſon*, *John Atkinſon*, the Reverend *William Barton*, *John Barrow*, *John Barton*, *William Braithwaite*, the Reverend *William Bird*, the Reverend *John Bowſtead*, *Thomas Cartmell*, *George Cartmell*, *Thomas Cartmell*, *William Dilworth Crewdſon*, Sir *Alan Chambre* Knight, *Robert Dickinſon*, *Roger Dickinſon*, the Reverend *John Fleming*, the Reverend *John Langton Leach*, *George Gibſon*, *Samuel Gawthrop*, *Robert Gawthrop*, *James Gandy*, *Thomas Gandy*, *Robert Greenhow*, *John Gibſon*, *Thomas Harriſon*, the Reverend *William Hoggarth*, the Reverend *James Holme*, *William Johnſon*, *Robert Jackſon*, *John Ireland*, *John Morland*, *William Moore*, *Thomas Mounſey*, the Reverend *Jonathan Moorhouſe*, *John Salkeld*, the Reverend *Henry Sill*, *John Shutt*, *John Simpſon*, *William Sleddall*, *Thomas Talbot*, *John Thomſon*, *John Upton*, *John Wilſon*, *Iſaac Whitwell*, *John Wakefield*, *Jacob Wakefield*, *William Wilſon*, *Carus Wilſon*, *Thomas Wilkinſon*, *Thomas Wilſon*, *Richard Winfield*, *Chriſtopher Wilſon*, *Daniel Wilſon*, *James Wilſon*, *Robert Wilſon*, *Anthony Yeates*, *Richard Atkinſon*, *Robert Abbotſon*, *John Atkinſon*, *John Atkinſon* the younger, *James Bateman*, *William Bindloſs*, *Robert Briggs*, *Joſeph Backhouſe*, *Robert Bradley*, *William Gilliſon Bell*, *Robert Benſon*, *William Berry* the younger, *John Bolton*, *Edmund Bowman*, *John Bowman*, *William Bowman*, *John Bowerbank*, *Joſeph Braithwaite*, *George Braithwaite*, *Iſaac Braithwaite*, *John Braithwaite* the elder, *John Braithwaite* the younger, the Reverend *Thomas Briggs*, the Reverend *Joſeph Briſco*, *Henry Brougham*, *James Brougham*, *Edward Burrow*, *Obadiah Burrow*, *Thomas Burra*, *Thomas Buttle*, the Reverend *Thomas Butler*, *Roger Carus*, *Henry Coupland*, *Edward Cumming*, *John Hunter Cooke*, *Thomas Cartmell* the younger, *Edward Cragg*, *William Cragg*, *John Cragg*, *James Davis*, the Reverend *John Dobſon*, *Thomas Fell*, *Thomas Fenton*, *Ralph Fiſher*, Sir *Daniel le Fleming* Baronet, *Fletcher Fleming*, *William French*, *John Gandy*, *James Gandy* the younger, *Thomas Gibſon*, *Charles Gibſon*, *William Gibſon*, *Joſeph Gibſon*, *George Gibſon*, *William Gray*, *Thomas Gregg*, *Iſaac Hadwen*, *John Harriſon*, *Thomas Harriſon*, *James Knipe Harriſon*, *Daniel Harriſon*, *William Hebſon*, *John Hebblethwaite*, *Edmund Hornley*, the Reverend *John Heelis*, *John Henderſon*, *Henry Hewetſon*, *William Holme*, *Thomas Holme*, *Edmund Hornby*, *Greville Fulke Howard*, *David Huddleſtone*, *Benjamin Hunter*, *William Hutton*, *William Hutton* the younger, *Robert Jackſon*, *Thomas Ireland*, *James Johnſon*, *John Johnſtone*, *William Johnſon*, *Edward King*, *John Kirkbride* the elder, *John Kirkbride* the younger, *George Kitching*, *William* Lord Viſcount *Lowther*, the Honourable *Henry Cecil Lowther*, the Reverend *George Lawſon*, *Robert Lumb*, *William Lumb*, *William Maling*, *John Marſhall*, *John Morland* the younger, *John Moore*, *Giles Moore*, *Thomas Newby*, *John Nelſon*, *William Nicholſon*, *Thomas Noble*, *John Noble*, the Reverend *Thomas Pearſon*, *Warwick Pearſon*, *John Pearſon*, *Francis Pearſon*, the Reverend *John Poole*, *William Pennington*, *Joſeph Pringle*, *Edward Rawlinſon*, *Thomas Reveley*, *Reginald Rimmington*, *Thomas*

Thomas Reader, *John Rigg*, *Iſaac Rigge*, *John Robinſon*, *Thomas Salkeld*, the Reverend *James Satterthwaite*, *John Scott*, the Reverend *Samuel Scott*, *John Parkinſon Sill*, *Nathan Sill*, *James Sinkinſon*, the Reverend *Joſeph Sharp*, *Arthur Shepherd* the younger, *George Smyth*, *Thomas Strickland*, *William Talbot*, the Reverend *John Tatham*, *Edward Tatham*, *Edmund Tatham*, *Edward Tatham* the younger, *James Towers*, *Richard Thompſon*, *Thomas Thompſon*, *John Upton* the younger, *John Wakefield* the younger, the Reverend *Bryan Waller*, *William Walker*, the Reverend *Richard Watſon*, the Reverend *John Webſter*, *Robert Webſter*, *James Wilkinſon*, *John de Whelpdale*, *Robert Wilſon* the younger, *Thomas Wilſon*, *Edward Wilſon*, *Chriſtopher Wilſon*, the Reverend *William Carus Wilſon*, *William Wilſon*, *Iſaac Wilſon*, *Shearman*, *Richard Wilſon*, *Thomas Wilſon* of *Underbarrow*, *Wordſworth* of *Sockbridge*, *Thomas Wybergh*, *William Wybergh*, *George Yeates*, *William Yeates*, and the Reverend *Edward Yeates*, ſhall be and they are hereby appointed Truſtees for putting ſuch Parts of the ſaid laſt recited Act as ſhall not be repealed by virtue of this Act, and this Act into Execution; and that they and their Succeſſors, (being qualified as herein-after mentioned) are hereby empowered to act in the Execution of ſuch Part of the ſaid laſt recited Act as ſhall not be repealed by virtue of this Act, and of this Act, as fully and effectually, to all Intents and Purpoſes, as if they had been appointed by the ſaid laſt recited Act, or by this Act.

Additional Truſtees.

VI. And be it further enacted, That it ſhall be lawful for the Truſtees appointed by this Act, or any Nine or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons not exceeding Thirty in the Whole, to be Truſtees for the Purpoſes of this Act, and ſuch Truſtees being ſo elected, and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authority for executing ſuch Part of the ſaid laſt recited Act as ſhall not be repealed by virtue of this Act, and this Act, as if they had been therein or hereby nominated and appointed.

Power to chooſe new Truſtees.

VII. And be it further enacted, That in caſe any of the Truſtees appointed in or by virtue of this Act, ſhall die, or become bankrupt, or inſolvent, or refuſe, decline, or become incapable to act, it ſhall be lawful for the ſurviving or remaining Truſtees, by Writing under their Hands, (at any Meeting, whereof at leaſt Ten Days Notice ſhall be given upon all the Toll Gates erected or to be erected upon the ſaid Road, ſpecifying that an Appointment of new Truſtees is intended to be made at ſuch Meeting) to nominate and appoint One or more fit Perſon or Perſons living in the ſaid County of *Weſtmorland*, to be a Truſtee or Truſtees in the Room of ſuch Truſtee or Truſtees ſo dying, becoming bankrupt, or inſolvent, or refuſing, declining, or becoming incapable to act as aforeſaid; and every Perſon ſo nominated and appointed as aforeſaid, (being qualified as by this Act is required), ſhall have the ſame Power and Authority to act as a Truſtee or Truſtees in the Execution of this Act, and of ſuch Part of the ſaid laſt recited Act, as ſhall not be repealed by virtue of this Act, and he and they are hereby authorized and empowered to act, as fully and amply as if he and they had been thereby or hereby nominated and appointed.

Qualification of Truſtees.

VIII. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee, in the Execution of this Act, or ſuch Part of the laſt

laſt recited Act as ſhall not be repealed by virtue of this Act, unleſs he ſhall be poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, in the ſaid County of *Weſtmorland*, of the clear yearly Value of One hundred Pounds, or poſſeſſed of or entitled to a Perſonal Eſtate, or Real and Perſonal Eſtate together, of the Amount or Value of Two thouſand five hundred Pounds, or unleſs he be Heir Apparent to a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments in the ſaid County, of the clear yearly Value of Two hundred Pounds; and if any Perſon, not qualified as aforeſaid, ſhall preſume to act in the Execution of this Act, or of ſuch Part of the laſt recited Act as ſhall not be repealed by virtue of this Act, 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, the ſame to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere, by Action of Debt or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence, on the Part of the Proſecution, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act or of the ſaid laſt recited Act: Provided always, that all Acts which ſhall have been done by any ſuch Perſon, touching the Execution of this Act, previous to his being convicted of, or a Verdict given againſt him, for the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction or Verdict, be as valid and effectual as if ſuch Perſon had been duly qualified to act as a Truſtee, according to the Directions of the ſaid recited Act or of this Act.

Truſtees Oath.

IX. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act or of ſuch Part of the ſaid laſt recited Act as ſhall not be repealed by virtue of this Act, until he or they ſhall have taken and ſubſcribed the Oath or Affirmation following, before any Two or more of the ſaid Truſtees, who are, and each of them is, hereby authorized to adminiſter, (that is to ſay);

'I *A. B.* do ſwear [*or*, being one of the People called *Quakers*, do ſolemnly, ſincerely, and truly declare and affirm], That I am truly and *bonâ fide*, in my own Right [*or*, in the Right of my Wife, *as the Caſe may be*], in the actual Poſſeſſion or Enjoyment of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds, or am Heir Apparent to a Perſon ſeiſed or poſſeſſed of ſuch an Eſtate of the clear yearly Value of Two hundred Pounds, or am poſſeſſed of a Perſonal Eſtate alone, or of Real and Perſonal Eſtate together, to the Amount or Value of Two thouſand five hundred Pounds, after the Payment of all my juſt Debts. So help me GOD.'

(Except that in caſe of any of the People called *Quakers*, the Words, 'So help me GOD,' are to be omitted.)

No intereſted Truſtee to act; nor any Victualler, &c. nor menial Servant of any Truſtee, to hold any Place of Profit.

X. And be it further enacted, That no Truſtee ſhall be capable of acting in the Execution of any of the Powers hereby granted, during the Time in which he ſhall hold any Place of Profit under this Act, or in any Caſe wherein he ſhall be perſonally intereſted, nor ſhall any Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or any menial Servant of any Truſtee, be capable of holding any Place of Profit under this Act.

XI. And

Quorum of Truſtees.

XI. And be it further enacted, That all Acts and Proceedings relative to the Execution of this Act, and of ſuch Part of the laſt recited Act as ſhall not be repealed by virtue of this Act, may be done, executed, and performed, by any Five or more of the Truſtees hereby appointed, or to be elected and appointed as aforeſaid, except only in the Caſes herein mentioned, as requiring a greater or leſs Number of them.

Truſtees may ſue and be ſued in the Name of their Treaſurer or Clerk.

XII. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of the laſt recited Act, or of this Act, in the Name of their Treaſurer or Clerk for the Time being, and that no Action or Suit to be brought or commenced by the Direction of, or againſt the ſaid Truſtees, by virtue of this Act, in the Name of their Treaſurer or Clerk, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, nor by the Act of ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees, at a Meeting held in purſuance of this Act, but that the Treaſurer or Clerk for the Time being to the ſaid Truſtees ſhall be deemed to be the Plaintiff or Defendant (as the Caſe may be) in every ſuch Action or Suit: Provided always, that every ſuch Treaſurer or Clerk in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall be fully indemnified, reimburſed, and paid out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences, as by the Event, or in conſequence of any ſuch Action or Proceeding, he ſhall pay, bear, expend, or be put unto, or become chargeable with, by reaſon of his being ſo made Plaintiff or Defendant as aforeſaid.

First Meeting of Truſtees.

XIII. And be it further enacted, That the ſaid Truſtees ſhall meet at the Towns of *Kirkby* in *Kendal* and *Shap* alternately, or otherwiſe, as they ſhall in their Diſcretion think fit; the Firſt Meeting to be held at the Town of *Kirkby* in *Kendal*, on the Firſt *Tueſday* next after the paſſing of this Act, or as ſoon after as conveniently may be, and ſhall then and there proceed to the Execution of this Act, and ſuch Part of the laſt recited Act as ſhall not be repealed by virtue of this Act, and from Time to Time adjourn ſuch Meeting, and ſhall afterwards meet alternately at the Places aforeſaid, or otherwiſe as they ſhall think proper and appoint, as often as ſhall be neceſſary: Provided always, that Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment only; and that in caſe a competent Number of Truſtees ſhall not appear at the Time and Place appointed for any Meeting of the Truſtees for putting this Act in Execution, either to act or to adjourn to any other Time, or in caſe the Truſtees at any Time aſſembled ſhall omit or neglect to adjourn themſelves, then and in either of the ſaid Caſes it ſhall be lawful for the Clerk or Treaſurer to the ſaid Truſtees for the Time being, by a Notice in Writing, to be affixed on all the Turnpikes and Toll-gates which ſhall be then erected upon the ſaid Road, at leaſt Seven Days before the next Meeting, to appoint them to meet at the ſame Place where the laſt Meeting was held, or was appointed to have been held, on ſuch future Day ſpecified in ſuch Notice, not exceeding Three Calendar Months after the Day on which ſuch Meeting was held, or was to have been held, as aforeſaid; and in caſe ſuch Clerk or Treaſurer reſpectively ſhall refuſe or neglect to give ſuch Notice, or ſhall by any Means be prevented from giving Notice as aforeſaid, it ſhall be lawful for any Three of the ſaid Truſtees, although not aſſembled at a Meeting, at any Time or

Power to adjourn.

Times after such Refusal, Neglect, or Prevention respectively, as aforesaid, by Notice in Writing under their Hands, to be affixed in Manner aforesaid, to appoint the said Trustees to meet at the House or Place where the Meeting of the said Trustees was appointed to be held, or at some other convenient Place or House in one of the said Towns, upon some convenient Day, within Four Weeks next after the Date of such last-mentioned Notice; and that the said Trustees shall at their First and all their subsequent Meetings pay their own Charges and Expences, except a reasonable Allowance for the Use of the Room where such Meeting shall be held, which shall be paid out of the Tolls.

Trustees shall defray their own Expences.

Meetings on Emergencies.

XIV. And be it further enacted, That if after any Adjournment of the said Trustees, or in Default of such Adjournment, it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which the respective Meetings shall have been adjourned, the Clerk to the said Trustees, being authorized by an Order in Writing, signed by Two or more of the said Trustees, although not assembled at a Meeting, mentioning the Time and Place, and Purposes of such Meeting, shall forthwith give Notice thereof in the Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Five Days after such Notice), and all Proceedings of the Trustees at such Meeting, whether relating to the particular Subject on which such Meeting shall be called or not, shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment, and such Meeting shall and may be adjourned, or be appointed to be held in such Manner, and at such Time and Place as other Meetings under this Act are directed to be adjourned, or appointed to be held, notwithstanding any Adjournment to the contrary.

The Majority of Trustees assembled to concur in all Orders.

Trustees being Justices of the Peace, may act as such.

XV. And be it further enacted, That all Orders and Determinations of the said Trustees shall be made at Meetings to be held in pursuance of this Act, and not otherwise, (except as herein mentioned), and no Order or Determination shall be made unless the major Part of the Trustees present at any Meeting shall concur therein; and all such Trustees as are or may become Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases, where they shall be personally interested; and that no Person being a Mortgagee or Assignee of any Mortgage or other Security, or being otherwise a Creditor upon the Tolls by this Act authorized to be taken and received, shall on that Account be incapable of acting as a Trustee in the Execution of this Act.

How Orders of Trustees may be revoked or altered.

XVI. And be it further enacted, That no Order, made by the said Trustees, shall be revoked or altered, unless the Number of Trustees revoking or altering the same, shall exceed the Number of Trustees by whom such Order shall have been made, and unless Twenty-one Days Notice shall be given by Five Trustees to the Clerk of the said Trustees, of their Desire to have a Meeting at the Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting, and in such Case Notice shall be given by the Clerk Fourteen Days at least before such Meeting

Meeting to such Trustees as were present when the Order was made, of the Intention to revoke or alter any such Order.

Proceedings to be entered in a Book and signed.

XVII. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings, so entered, shall be signed by the Trustees making the same, or the major Part of them, which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Tolls or Transcripts thereof, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes, touching any Thing done, or to be done, by virtue of or in pursuance of this Act, or of the last recited Act, or in anywise relating hereto or thereto.

Trustees may appoint Officers,

and remove them.

XVIII. And be it further enacted, That the said Trustees, as Occasion shall require, may, by Writing under their Hands, elect and appoint a Clerk or Clerks, and Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of such Money as shall arise and be made due and payable by virtue of this Act; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may remove, from Time to Time all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees shall see Occasion; and upon the Death, Resignation, or Removal of such Officers, or any or either of them, the said Trustees may appoint others in their Stead; and the said Trustees shall and may, out of the Money to be raised or received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, and all other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and every Officer and Person who shall be so appointed as aforesaid, shall, from Time to Time, when thereunto required by the said Trustees, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account, in Writing, under his or her Hand, of all Monies which shall have been by him, her, or them had, collected, or received, and how and to whom, and for what Purpose the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments, and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver up such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in Manner aforesaid; or shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power, relating to the Execution of this Act, then, and in every such Case, Complaint being made thereof by any one of the said Trustees, or by any Person or Persons on Behalf of the said Trustees, of any such Refusal or Neglect, to any Justice of the Peace for

Officers to account.

the County of *Weſtmorland*, ſuch Juſtice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Officer or Perſon to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account, if produced, in ſuch Manner as the ſaid Truſtees might have done; and if upon Confeſſion of the Officer or Perſon againſt whom ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of, or owing from ſuch Officer or Perſon, ſuch Juſtice may, and he is hereby authorized and empowered, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Monies, and the Charges of taking and making ſuch Diſtreſs, and of ſelling the ſame, and if ſuch Officer or Perſon ſhall not appear before the ſaid Juſtice at the Time and Place appointed for that Purpoſe, or, if appearing, ſhall refuſe or neglect to make out and deliver to the ſaid Juſtice ſuch Account in Writing as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts, or to deliver up as aforeſaid all ſuch Books, Papers, and Writings as aforeſaid, then, and in any of the Caſes aforeſaid, the ſaid Juſtice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit ſuch Officer or Perſon to the Common Gaol or Houſe or Correction, in that Ward or Diviſion of the County where he or ſhe ſhall live or reſide, there to remain, without Bail or Mainprize, until he or ſhe ſhall have delivered in and ſettled ſuch Account as aforeſaid, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in the Hands of, or owing from him or her, and the reaſonable Charges of ſuch Diſtreſs and Sale (if any) as ſhall in that reſpect have been made, or until he or ſhe ſhall have compounded with the ſaid Truſtees for ſuch Money and Charges, and paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees are hereby empowered to make) and ſhall have delivered up as aforeſaid, all ſuch Books, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees: Provided always, that no Perſon who ſhall be committed for Want of ſufficient Diſtreſs, ſhall be detained in Priſon for any longer Space of Time than Six Calendar Months.

Treaſurer to give Security.

XIX. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby authorized, directed, and required to take ſuch Security from the Treaſurer or Treaſurers, and other Officers to be appointed for the Purpoſes of this Act, for the due Execution of his and their ſaid Office and Offices, as to the ſaid Truſtees ſhall ſeem meet.

Officers under former Acts continued.

XX. And be it further enacted, That each and every Clerk, Treaſurer, Receiver, Collector, Surveyor, and other Officers appointed under and by virtue of the ſaid recited Acts, or any of them, for or in reſpect of the ſaid Road, ſhall hold and enjoy their ſeveral and reſpective Offices and Employments under this Act, until removed therefrom by the ſaid Truſtees;

tees; and each and every such Clerk, Treasurer, Receiver, Collector, Surveyor, and other Officer, shall have the like Power and Authority for carrying this Act into Execution, and shall be subject and liable to the like Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all Respects whatsoever, as if he or they had been elected by virtue of this Act.

Turnpikes, &c now erected to remain.

XXI. And be it further enacted, That the several Turnpikes, Toll-houses, and Gates erected and now standing across and on the Sides of the said Road, shall remain and be continued; and that it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered to cause to be built and erected one other additional Toll-house and Toll-gate upon and across the said Road between *Clifton* and the Turnpike-gate near *Bannisdale Bridge*, at such Place and Places as a Majority of the Trustees who shall be present at any Meeting to be held for that Purpose shall think fit; and that they the said Trustees shall cause to be built and erected such other Side Toll-gates on the Sides of the said Road, or across any Lane, Way, or Road leading into the same, as they shall think fit; and that all such Turnpikes, Toll-gates and Side-gates shall from Time to Time, be removed and placed elsewhere on the said Road, as the said Trustees shall at any such Meeting or Meetings, or at any other Meeting or Meetings direct; and that such Tolls shall be collected, levied, and taken at such respective Side-gates, with the same Powers to compel Payment of the same as are by this Act made payable upon the said Road, so as the same does not extend to a double Charge, or subject any Person to the Payment of a larger Toll than is herein appointed to be paid for passing through any of the Turnpikes or Toll-gates now erected, or hereafter to be erected by virtue of this Act across the said Road.

Trustees may erect new Toll-gate, and Side-gates, and remove and place them elsewhere.

No Gate to be erected between Clifton Church and Eamont Bridge.

XXII. Provided always, and be it further enacted, That no Toll-gate, Side-gate, or Toll-house, shall be erected or built across or on the Side of any Part of the said Road between the Parish Church of *Clifton* and *Eamont Bridge* aforesaid.

Trustees may appoint temporary Collectors.

XXIII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted, shall neglect to perform, or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed to be held by virtue of this Act) may discharge such Collector or Receiver so neglecting, or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and also in case any such Collector or Receiver of the Tolls shall die, the said Trustees, or any Two or more of them (though not assembled at such Meeting) shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die, or be discharged, and such Person so nominated and appointed, shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall die or be discharged, would have had, or would have been subject to; and if any Collector or Receiver of the said Tolls who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representative or

Representatives

Repreſentatives of any Collector or Receiver who ſhall die or be diſcharged, or any other Perſon, ſhall refuſe to deliver up the Poſſeſſion of any Toll-gate or Toll-houſe, or any of the Appurtenances thereof, for the Space of Seven Days next after Demand thereof made, and Notice in Writing given for that Purpoſe by any Two or more of the ſaid Truſtees (although not aſſembled at a Meeting) or by the Clerk or Treaſurer to the ſaid Truſtees for the Time being, then, and in any of the ſaid Caſes, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace for the County of *Weſtmorland*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter into ſuch Toll-houſe and Appurtenances in the Day-time, and to remove the Perſon or Perſons who ſhall be found therein, or in Poſſeſſion of the ſaid Gate, together with his, her, or their Goods, out of and from the ſame, and to put the ſaid Truſtees, or any One of them, or their Clerk or Treaſurer, or ſuch new appointed Collector or Receiver, into the Poſſeſſion of ſuch Toll-gate, Toll-houſe and Appurtenances.

Penalty on Perſons deſtroying Toll-houſes, Gates, &c.

XXIV. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly pull down, injure, damage, or deſtroy any of the Toll Houſes, Toll Gates, or Side Gates, now erected and continued acroſs the ſaid Road, or to be built, erected, or ſet up upon or near or acroſs the ſaid Road, or any of them, or any Part thereof, or any of the Works, Buildings, or Erections made, or to be made in purſuance of this Act, or any of them, or any Part thereof, or ſhall cauſe or procure the ſame, or any Part or Parts thereof reſpectively, to be pulled down, injured, damaged, or deſtroyed, then, and in every ſuch Caſe, every ſuch Offender being lawfully convicted thereof, ſhall be adjudged guilty of Felony; and the Court by or before whom ſuch Perſon ſhall be tried and convicted, ſhall have Power and Authority to cauſe ſuch Perſon to be tranſported for the Term of Seven Years, in ſuch and the like Manner as Felons are directed to be tranſported by the Laws and Statutes of this Realm, or in Mitigation of ſuch Puniſhment, ſuch Court may award ſuch Puniſhment as the Law directs in Caſes of Petty Larceny.

New Tolls.

XXV. 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 Road, until the Twelfth Day of *May* One thouſand eight hundred and fifteen, and that upon and from and after the ſaid Twelfth Day of *May* One thouſand eight hundred and fifteen, 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 Coach, Chariot, Chaiſe, Waggon, Wain, Cart, or other Carriage, Horſe, Mule, Aſs, Cattle, or Beaſt, ſhall be permitted to paſs through the ſame reſpectively, that is to ſay;

Tolls.

For every Coach, Chariot, Landau, Landaulet, Barouche, Chaiſe, Phaeton, Curricle, Car, Chair, Gig, Hearſe, or other ſuch Carriage, with Wheels, the Axles whereof are not perfectly ſtraight, and all the Wheels perfectly cylindrical, with Tires of the reſpective Breadths hereinafter ſpecified, and drawn by Five or more Horſes, or other Beaſts of

Draught, the Sum of Three Shillings; and drawn by Three or Four Horſes, or other Beaſts of Draught, the Sum of Two Shillings; and drawn by Two Horſes or other Beaſts of Draught, the Sum of One Shilling; and drawn by One Horſe or other Beaſt of Draught, the Sum of Sixpence:

For every Four-wheeled Waggon, Wain, Cart, Caravan, or other ſuch Carriage, with Wheels, the Axles whereof are not perfectly ſtraight, and all the Wheels perfectly cylindrical, with Tires of the reſpective Breadths herein-after ſpecified, and drawn by One or Two Horſes, or other Beaſts of Draught, the Sum of One Shilling and Sixpence, and for every other Horſe or Beaſt of Draught above Two drawing therein reſpectively, the additional Sum of One Shilling each.

For every Two-wheeled Waggon, Wain, Cart, Caravan, or other ſuch Carriage, with Wheels, the Axles whereof are not perfectly ſtraight, and the Wheels perfectly cylindrical, with Tires of the reſpective Breadths herein-after ſpecified, and drawn by One Horſe or other Beaſt of Draught, the Sum of Four-pence, and drawn by Two Horſes or other Beaſts of Draught the Sum of Ten-pence; and for every other Horſe or Beaſt of Draught above Two, drawing therein reſpectively, the additional Sum of One Shilling each.

For every Two-wheeled Waggon, Wain, Cart, Caravan, or other ſuch Carriage, with Wheels, the Axles whereof are not perfectly ſtraight, and all the Wheels perfectly cylindrical, with Tires of the reſpective Breadths herein-after ſpecified, laden with Coals, Cannel, or Cinders only, and drawn by One Horſe, or other Beaſt of Draught, the Sum of Two-pence; and for every other Horſe or Beaſt of Draught, drawing therein reſpectively, the additional Sum of Sixpence each:

For every Two-wheeled Waggon, Wain, Cart, Caravan, or other ſuch Carriage, with Wheels, the Axles whereof are not perfectly ſtraight, and the Wheels perfectly cylindrical, with Tires of the reſpective Breadths herein-after ſpecified, having paid Toll for being laden with Coals, Cannel, or Cinders, and returning the ſame Day through the ſame Toll Gate with any other Loading not hereby exempted from the Payment of Toll, and drawn by One Horſe, or other Beaſt of Draught, the Sum of Two-pence; and for every other Horſe or Beaſt of Draught, drawing therein reſpectively, the additional Sum of Sixpence each:

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

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

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

For every Coach, Chariot, Landau, Landaulet, Barouche, Chaiſe, Phaeton, Curricle, Car, Chair, Gig, Hearſe, or other ſuch Carriage, with all the Axles perfectly ſtraight, and all the Wheels perfectly cylindrical, with Tires of the Breadth of Eight Inches and One Half, and drawn by Five or Six Horſes, or other Beaſts of Draught, the Sum of One Shilling and Six-pence; and with ſimilar Axles and Wheels, with Tires of the Breadth of Seven Inches, and drawn by Three or Four Horſes or other Beaſts of Draught, the Sum of One Shilling; and for every other Horſe, or Beaſt of Draught, drawing therein reſpectively, the additional Sum of Sixpence each; and with ſimilar Axles and Wheels, with Tires of the Breadth of Five Inches, and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Six-

pence; and for every other Horſe, or Beaſt of Draught, drawing therein reſpectively, the additional Sum of Sixpence each; and with ſimilar Axles and Wheels, with Tires of the Breadth of Five Inches, and drawn by One Horſe, or other Beaſt of Draught, the Sum of Three-pence:

For every Four-wheeled Waggon, Wain, Cart, Caravan, or other ſuch Carriage, with all the Axles perfectly ſtraight, and all the Wheels perfectly cylindrical, with Tires of the Breadth of Sixteen Inches, and drawn by One or Two Horſes, or other Beaſts of Draught, the Sum of Four-pence; and for every other Horſe, or Beaſt of Draught above Two, drawing therein reſpectively, the additional Sum of Two-pence each; and with ſimilar Axles and Wheels, with Tires of the Breadth of Thirteen Inches, and drawn by One or Two Horſes or other Beaſts of Draught, the Sum of Four-pence; and drawn by Three or Four Horſes or other Beaſts of Draught, the Sum of Eight-pence; and drawn by Five or Six Horſes, or other Beaſts of Draught, the Sum of One Shilling; and for every other Horſe, or Beaſt of Draught, above Six, drawing therein reſpectively, the additional Sum of Four-pence each; and with ſimilar Axles and Wheels, with Tires of the Breadth of Nine Inches, and drawn by One or Two Horſes or other Beaſts of Draught, the Sum of Four-pence; and drawn by Three or Four Horſes, or other Beaſts of Draught, the Sum of Eight-pence; and for every other Horſe, or Beaſt of Draught, above Four, drawing therein reſpectively, the additional Sum of Sixpence each:

And for every Two-wheeled Waggon, Wain, Cart, Caravan, or other ſuch Carriage, with ſimilar Axles and Wheels, with Tires of the Breadth of Nine Inches, and drawn by One Horſe or other Beaſt of Draught, the Sum of Two-pence; and drawn by Two Horſes, or other Beaſts of Draught, the Sum of Four-pence; and for every other Horſe, or Beaſt of Draught, above Two, drawing therein reſpectively, the additional Sum of Sixpence each; and with ſimilar Axles and Wheels, with Tires of the Breadth of Five Inches, and drawn by One Horſe or other Beaſt of Draught, the Sum of Two-pence; and drawn by Two Horſes or other Beaſts of Draught, the Sum of Sixpence; and for every other Horſe or Beaſt of Draught, above Two, drawing therein reſpectively, the additional Sum of Eight-pence each.

And for every Waggon, Wain, Cart, Caravan, or other ſuch Carriage with ſimilar Axles and Wheels, with Tires of the reſpective Breadth, and drawn by the Number of Horſes or other Beaſts of Draught above reſpectively ſpecified; and for every additional Horſe or other Beaſt of Draught drawing therein, laden with Coals, Cannel, or Cinders only, there ſhall be demanded and taken One Half of the Tolls reſpectively above mentioned, and no more:

And for every Waggon, Wain, Cart, Caravan, or other ſuch Carriage, with ſimilar Axles and Wheels, with Tires of the reſpective Breadth, and drawn by the Number of Horſes or other Beaſts of Draught above reſpectively ſpecified, and for every additional Horſe or other Beaſt of Draught drawing therein, having paid Tolls, for being laden with Coals, Cannel, or Cinders, and returning the ſame Day through the ſame Toll Gate or Side Gate with any other Loading, not hereby exempted from the Payment of Toll, there ſhall be demanded and taken One Half of the Tolls above reſpectively, and particularly mentioned and made payable, for and in reſpect of ſuch Waggons, Wains, or Carts, and no more:

Double Tolls to be taken on Sundays.

XXVI. And be it further enacted, That it ſhall and may be lawful to and for the reſpective Toll Gatherers, Collectors, and Renters of Tolls on

on the ſaid Road, and they are hereby authorized and empowered, on each and every *Sunday*, (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night), in each and every Year during the Continuance of this Act, to demand and take for and in reſpect of every Carriage, Horſe, Waggon, Wain, Cart, Beaſt or other Cattle paſſing through any Toll Gate or Side Gate, now or hereafter to be erected upon the ſaid Road, Double the Toll or Sum which may for the Time being be demanded and taken by virtue of this Act for the ſame reſpectively, on any other Day of the Week, before ſuch Carriage, Horſe, Waggon, Wain, Cart, Beaſt, or other Cattle ſhall be permitted to paſs through any ſuch Toll Gate or Gates, or Side Gate or Gates reſpectively.

Carts laden with Indigo, Wool, &c. going to and returning from Low Mills, to pay One Half Toll.

XXVII. Provided always, and be it enacted, That no more than One Half of the Tolls hereby reſpectively granted, ſhall be demanded and taken in any One Day for or in reſpect of any Cart or other ſuch Carriage belonging to the Owners of the Low Mills, near *Kirkby* in *Kendal*, employed ſolely in carrying or conveying any Indigo to ſuch Mills to be ground, or in returning with the ſame, or any Wool, Worſted, or Woollen Yarn, or other Materials of Wool, or Woollen Cloth, to or from ſuch Mills.

General Exemptions from Toll.

XXVIII. 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 whatever 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 in 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 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, Mare, or Gelding, 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 Worſhip 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, Out-houſes, 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 Owner, and not for Sale or purchaſed; or of carrying or conveying any Dung, Mould, Marle, Soil, Lime, Limeſtone, Soaper's Waſte, Manure, or Compoſt, to be uſed only for manuring any Land 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 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 rebuilding 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 Benefit of Exemptions.

Waggons conveying Military Stores, not ſubject to Penalties for Over-weight.

XXIX. 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 Over-weight; 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 being drawn

drawn by any Number of Horſes, or other Beaſts of Draught; 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 other Beaſts of Draught, in any ſuch Waggon, Wain, Cart, or other Carriage; any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this Act contained, to the contrary thereof notwithſtanding.

No more than one Toll to be taken for paſſing the ſame Day.

XXX. And be it further enacted, That from and after the ſaid Twelfth Day of *May* One thouſand eight hundred and fifteen, no Perſon who ſhall have paid Toll for 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 ſuch Carriage, Waggon, Cart, Horſe or Horſes, Beaſt or Beaſts of Draught, Cattle, Horſe or Beaſt, 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 ſuch Carriage, Waggon, Cart, Horſe or Horſes, Beaſt or Beaſts of Draught, Cattle, Horſe, or Beaſt, Toll free, which Note or Ticket (ſuch Ticket to name and ſpecify the Gate freed by ſuch Payment) the Collectors of the Tolls are hereby reſpectively required to give *gratis*, on Receipt of the Toll; and in caſe any Collector, Receiver, or Renter of the ſaid Tolls, or any Perſon employed by him or her, 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: Provided always, that no more than Five full Tolls ſhall be demanded and taken for paſſing on the ſame Day throughout the whole Line of the ſaid Road from *Heron Syke* to *Eamont Bridge*.

Except Carriages drawn by different Horſes, Stage Coaches, &c.

XXXI. Provided always, and be it further enacted, That no Coach, Chariot or other ſuch Carriage, Waggon, Wain, Cart, or other ſuch Carriage for which Toll ſhall have been paid at any of the ſaid Toll Gates or Side Gates, returning the ſame Day through the ſame Toll Gate or Side Gates, drawn by any other or different Horſe, Horſes, or other Beaſt or Beaſts of Draught, nor any Coach or other ſuch 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.

Penalty on avoiding Tolls.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall ride, drive, go, or paſs with any Horſe, Beaſt, Cattle, or Carriage, through or over any Gate, private Paſſage, Land, Ground, or Place, not being the Owner or Owners, Occupier or Occupiers, thereof, or any of his, her, or their Family, or in his, her, or their employ, lying by the Side of, or near to any Part of the ſaid Road; or if any Perſon or Perſons owning or occupying any Land, Ground, or Place, ſituate as aforeſaid, ſhall knowingly or wilfully permit or ſuffer any other Perſon or Perſons to go or

paſs with any Horſe, Beaſt, Cattle, or Carriage, or other Thing liable to the Payment of Toll, through or over ſuch Gate, private Paſſage, Land, Ground, or Place, in order thereby to evade the Payment of the ſaid Tolls, or any Part thereof, or whereby, or by Means whereof any ſuch Evaſion ſhall take place, or be effected; or if any Perſon or Perſons ſhall forge, counterfeit, or alter, or ſhall offer, deliver to, or receive from any other Perſon any Note or Ticket with Intent to avoid or evade Payment of the ſaid Tolls, or any Part thereof, or ſhall take off, or ſuffer to be taken off, any Horſe or other Beaſt, from any Carriage, either before or after having paſſed through any Toll Gate or Side Gate now or hereafter to be erected upon the ſaid Road, or having paſſed through any ſuch Toll Gate or Side Gate, ſhall afterwards add or put any Horſe or Beaſt to any Carriage for the Purpoſe of drawing the ſame upon any Part of the ſaid Road, or ſhall leave upon or near any Part of the ſaid Road any Horſe or Horſes, or other Beaſt or Cattle, or any Carriage chargeable with the Payment of any of the ſaid Tolls, or load or unload any Goods, Wares, or Merchandizes, or any Box, Bale, Pack, Truſs, Package, or Parcel, or other Thing, with Intent to avoid or evade Payment of any of the ſaid Tolls, or if any Perſon or Perſons ſhall forcibly paſs through any ſuch Toll Gate or Side Gate with any Horſe, or other Cattle or Beaſt, with or without any Carriage, without the Payment of Toll, all and every ſuch Perſon and Perſons ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered in ſuch Manner as is herein-after provided, for the Recovery of Penalties and Forfeitures, One Moiety whereof, when received, ſhall be paid to the Informer, and the other Moiety to the Treaſurer of the ſaid Truſtees, to be applied to the Purpoſes of this Act.

Tolls veſted in Truſtees,

XXXIII. And be it further enacted, That the reſpective Sums of Money hereby authorized to be taken as aforeſaid, ſhall be demanded and taken in the Name of or as Tolls, and ſhall be and are hereby veſted in the ſaid Truſtees, and ſhall be applied as herein-after is directed; and if any Perſon, ſubject or liable to the Payment of any of the ſaid Tolls, ſhall, after demand thereof made, neglect or refuſe to pay the ſame, or any Part or Parts thereof, it ſhall and may be lawful for the Perſon or Perſons authorized and appointed as aforeſaid to collect ſuch Tolls by himſelf or themſelves, or taking ſuch Aſſiſtance as he or they ſhall think neceſſary, to ſeize and diſtrain any Horſe, Cattle, or other Thing, upon or in reſpect of which ſuch Toll, or any Part thereof, is hereby impoſed, together with their reſpective Bridles, Saddles, Gears, Harneſs, or Accoutrements (except the Bridle or Reins of any Horſe or Beaſt ſeparate from ſuch Horſe or Beaſt), or any Carriage in reſpect of the Horſes or Cattle drawing the Carriage on which ſuch Toll is impoſed, or any of the Goods or Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay; and if the Toll, or any Part thereof, ſo neglected or refuſed to be paid, and the reaſonable Charge of ſuch Seizure and Diſtreſs, ſhall not be paid within the Space of Five Days next after ſuch Seizure and Diſtreſs made, the Perſon or Perſons ſo ſeizing and diſtraining may ſell the Horſe, Cattle, Carriage, or Thing, ſo ſeized and diſtrained, or a ſufficient Part thereof, returning the Overplus of the Money to ariſe by ſuch Sale (if any), and what ſhall remain unſold, upon Demand, to the Owner thereof, after ſuch Tolls, and the reaſonable Charges occaſioned by ſuch Seizure, Diſtreſs, and Sale, ſhall be deducted.

with Power to diſtrain in Default of Payment.

XXXIV. And

Diſputes concerning Tolls how to be ſettled.

XXXIV. 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 ſaid 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.

XXXV. 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.

Power to vary Tolls on giving Twenty Days Notice.

XXXVI. 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 held 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.

Penalty on Collectors, &c. taking greater or leſs Toll than allowed.

XXXVII. And be it further enacted, That if any Farmer, Renter, or Collector of the ſaid Tolls, ſhall demand and take, or cauſe 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; 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 Forfeitures respectively to be recovered in Manner herein-after mentioned.

Toll Collectors to put up their Names.

XXXVIII. And be it further enacted, That all and every Toll Collector appointed either by the said Trustees, or by any Lessee or Lessees under them, 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 on some other conspicuous Part of the Toll House or Toll Gate, immediately upon his coming on Duty, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, 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 give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket to denote the Payment of the Toll when demanded; 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 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 laid shall adjudge, and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Power to provide Lamps, &c.

XXXIX. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held under or by virtue of this Act, to erect and set up, or cause to be erected and set up, at all or any of the said Turnpike Gates now erected, or hereafter to be erected, upon the said Road, such Number of Lamps as they shall think necessary, together with proper Lamp Posts and Lamp Irons thereto, and to cause the said Lamps to be lighted at such Times and in such Manner as the said Trustees shall from Time to Time direct and appoint; and all Expences attending the providing of such Lamps, Lamp Posts, Lamp Irons, and the Furniture thereof, shall be defrayed out of the said Tolls, or out of any Money to be borrowed on the Credit thereof; and if any Person or Persons shall break, throw down, or damage, all or any of the said Lamps, or the Posts, Irons, or other Furniture thereof, or shall wilfully and maliciously extinguish any of such Lamps, or do any Damage thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings over and above the Costs and Expences of repairing and amending such Lamps, Lamp Posts, Irons, Furniture, or Work so broken, thrown down, or damaged, as aforesaid, which Costs and Expences shall and may be recovered in such Manner as the Penalties hereby imposed are herein-after directed to be recovered, and shall be paid to the Treasurer to the said Trustees for the Use of the said Road.

Penalty on breaking, &c.

XL. And

Toll Houſes, Gates, &c. veſted in Truſtees.

XL. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Gates, and Toll Houſes, Side Gates, Tables of Tolls, and the ſeveral Conveniencies and Appurtenances thereto belonging, which are already erected, or made upon or on the Sides of the ſaid Road, or which ſhall be erected or made by virtue of this Act, and all Materials for building or repairing the ſame, and for repairing the ſaid Road, and all the Lamps, Lamp Poſts, Lamp Irons, and the Furniture thereof, reſpectively, and all other Materials, Articles, and Things, which ſhall be purchaſed, collected, or provided, for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and their Succeſſors, and they are hereby empowered to ſell or diſpoſe of the ſame, as they ſhall think proper, and to bring, or cauſe to be brought, any Action or Actions, or prefer, or cauſe to be preferred and proſecuted, any Bill or Bills of Indictment againſt any Perſon or Perſons, who ſhall keep Poſſeſſion of any ſuch Houſe or Appurtenances, or ſhall break down or damage, ſteal or take away, any of ſuch Turnpikes, Toll Gates, Toll Houſes, Conveniencies, Appurtenances, Materials, Articles, or Things; or diſturb them, or their Agents or Servants, in the Poſſeſſion thereof; and in all ſuch Actions and Bills of Indictment reſpectively, it ſhall be ſufficient to ſtate generally, that the Article or Articles, Thing or Things, for or concerning which ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Truſtees for the Purpoſes of this Act, without particularly mentioning or ſpecifying the Name or Names of all or any of the ſaid Truſtees.

Tolls may be leaſed.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees (at any Meeting whereof Fourteen Days Notice ſhall have been given in Printing or Writing, and affixed upon all the Toll Gates then erected on the ſaid Road, and inſerted in ſome Newſpaper circulated in the Neighbourhood of the ſaid Road), from Time to Time to demiſe and let to farm, or agree to demiſe or let to farm, all or any of the Tolls ariſing by virtue of this Act, and all or any of the Toll Houſes, and the Conveniencies and Appurtenances thereto belonging, for any Term not exceeding Three Years, upon public Bidding, to the higheſt Bidder, and for the beſt Price that can be got for the ſame, payable at ſuch Times, to ſuch Perſon or Perſons under ſuch Conditions and Agreements, and with ſuch Sureties for the Payment thereof, as the ſaid Truſtees ſhall think fit, and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls under this Act are directed to be applied, any Thing in any Law or Statute to the contrary thereof notwithſtanding.

Leaſes vacated.

XLII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees at their Firſt Meeting, or at any Adjournment thereof, to declare, order, and determine, that all Demiſes, Leaſes, and Agreements for Leaſes of the exiſting Tolls, and all Compoſitions for Payment of the ſame, ſhall ceaſe and be vacated from and after the Twelfth Day of *May* One thouſand eight hundred and fifteen, and that from and after ſuch Declaration, Order, and Determination, the ſame ſhall ceaſe and be void, to all Intents and Purpoſes, except as to the Right and Power of the ſaid Truſtees to receive, recover, and compel Payment of all Rents and Arrears of Rent and Payments due and to become due thereon; and the ſaid Truſtees ſhall and may, and they are hereby required to make a fair and juſt Compenſation and Satisfaction to the preſent Leſſee or Leſſees of the ſaid

Tolls, for any Loſs or Damage which he, ſhe, or they ſhall or may ſuſtain thereby; to be paid at ſuch Time and Times, and in ſuch Proportions as they the ſaid Truſtees ſhall deem reaſonable and proper, and ſuch Compenſation and Satisfaction ſhall and may be recovered by ſuch Leſſee or Leſſees, his, her, or their Executors, Adminiſtrators, or Aſſigns, from the ſaid Truſtees, in caſe the ſame ſhall not be paid within Two Months after the ſame ſhall be due, and demanded of the Clerk or Treaſurer, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*: Provided always, that in caſe the ſaid Truſtees and Leſſee or Leſſees cannot agree upon the Amount of ſuch Compenſation and Satisfaction, the ſame ſhall and may be recovered by Action at Law as aforeſaid: Provided alſo, that nothing herein contained ſhall prevent the ſaid Truſtees, at their Firſt or any other Meeting if they ſhall think fit, from entering into any new Agreement with the preſent Collectors or Farmers of the Tolls, or any of them, for ſuch additional Rent for the additional Tolls hereby granted and made payable, as they ſhall think reaſonable and proper, for the unexpired Time of his, her, or their reſpective Leaſes or Terms.

Truſtees may agree for additional Tolls.

Tolls may be compounded for.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and for any Collector or Renter of the ſaid Tolls, or any Part thereof, with their Concurrence and Approbation, to compound for any Term not exceeding One Year at any One Time, with any Perſon or Perſons for any Carriage or Carriages, Horſes, Beaſts, or Cattle travelling on the ſaid Road, for all or any of the ſaid Tolls to be paid in reſpect of ſuch Carriage or Carriages, Horſes, Beaſts, or Cattle paſſing or to paſs during ſuch Term, through all or any of the Toll Gates then erected on the ſaid Road, ſuch Compoſition Money to be paid in advance Quarterly, or otherwiſe as the ſaid Truſtees ſhall think fit, and in Default thereof, the Compoſition to be void.

Power to eject Farmers of Tolls in Arrear.

XLIV. And be it further enacted, That if any Perſon who ſhall be the Farmer or Renter of any of the ſaid Tolls hereby authorized to be collected, ſhall not pay, or cauſe to be paid to the ſaid Truſtees, or their Clerk or Clerks, Treaſurer or Treaſurers for the Time being, the Rent, Sum, Money, or Portion of Rent which he or they ſhall have agreed to give for the ſame, within the Space of Ten Days next after the ſeveral and reſpective Days on which the ſame ſhall become due and payable, it ſhall be lawful for any Three or more of the ſaid Truſtees, although not aſſembled at a Meeting, to nominate and appoint ſome fit Perſon to collect and receive the Tolls ariſing at the Toll Gate or Side Gate, of which ſuch Perſon ſhall be the Farmer or Renter, until the next Meeting of the ſaid Truſtees, which Perſon ſo to be nominated and appointed, ſhall have the like Power and Authority, and be accountable in the ſame Manner, in all Reſpects, as if he had been appointed a Collector at a Meeting held by virtue of this Act; and if any ſuch Farmer or Renter, or other Perſon who ſhall inhabit the ſame ſhall refuſe or neglect to deliver up the Poſſeſſion of the Toll Houſe, Buildings, and Appurtenances which he occupied, in Right of his being ſuch Farmer or Renter as aforeſaid, for the Space of Two Days next after Notice of ſuch Appointment ſhall be given to him, or left at ſuch Toll Houſe, that then it ſhall be lawful for any Juſtice of the Peace for the County of *Weſtmorland*, by Warrant under his Hand and Seal, to order any Conſtable, or other Peace Officer, with ſuch Aſſiſtance as ſhall be ne-

ceſſary, to enter ſuch Toll Houſe and Premiſes, in the Day-time, and to remove the Perſons who ſhall be found therein, together with their Goods, out of ſuch Houſe and Premiſes, and to put the new appointed Collector into the Poſſeſſion thereof, and that then and from thenceforth the Contract or Leaſe by which the ſaid Tolls ſhall be rented or holden, ſhall become null and void to all Intents and Purpoſes whatſoever, and the Sum or Sums of Money (if any) which ſhall have been depoſited in the Hands of the ſaid Truſtees, or their Treaſurer, for better ſecuring the regular Payment of the ſaid Rent, and all Intereſt which ſhall be then due thereon, ſhall become forfeited to the ſaid Truſtees, and ſhall be by them applied to the ſeveral Purpoſes of this Act.

Truſtees to borrow Money and mortgage the Tolls.

XLV. And be it further enacted, That the ſaid Truſtees ſhall and may, at any Meeting to be holden at any Time or Times hereafter, and they are hereby authorized and empowered to borrow and take up at Intereſt, on the Credit of the Tolls hereby granted, ſuch further Sum or Sums of Money as they ſhall think neceſſary, and they are hereby authorized and empowered, either at ſuch Meeting or afterwards, by any Writing or Inſtrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the ſame to be paid out of ſuch Tolls) for any Term or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money to be ſo borrowed, to ſuch Perſon or Perſons, or his, her, or their Truſtee or Truſtees, as ſhall advance and lend the ſame (ſubject and without Prejudice to the ſeveral Mortgages which have been made under the ſaid recited Acts, by certain Truſtees appointed under or by virtue of ſuch Acts), which Mortgages ſhall be made in the following Form or Words, or in ſome other Form of Words to the like Effect; that is to ſay,

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His preſent Majeſty King *George* the Third, intituled [*here inſert the Title of this Act*], We of the Truſtees for putting the ſaid Act in Execution, in Conſideration of the Sum of , to the Treaſurer of the ſaid Truſtees in Hand paid, do grant, bargain, ſell, and demiſe unto *A. B.* his (her or their) Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and of the Toll Gates and Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the Whole of the Monies owing and ſecured on the Credit thereof, to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt at the Rate of Five Pounds *per Centum per Annum*, ſhall be ſooner paid and ſatisfied. Given under our Hands and Seals, this Day of , in the Year of our Lord .'

Copies of Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe.

And Copies of all ſuch Mortgages ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees, and all and every Perſon or Perſons to whom any ſuch Mortgage or Mortgages ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, or to whom any Mortgage or Aſſignment of the Tolls may have been made under the ſaid recited Acts, or any of them, may from Time to Time transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principle and Intereſt thereby ſecured, or any Part thereof,

thereof, to any Perſon or Perſons whomſoever, by ſigning, before one credible Witneſs, an Inſtrument, either indorſed or not indorſed, upon ſuch Mortgage or Aſſignment, in the following Words, or Words to the like Effect; (that is to ſay),

Form of Transfer,

'I *A. B.* do transfer this Mortgage or Security (or a certain Mortgage or Security, ſhortly ſtating it, as the Caſe may be,) with all my Right and Title to the principal Money thereby ſecured, and all the Intereſt now due thereon, unto *C. D.*, his (her or their) Executors, Adminiſtrators and Aſſigns. Dated this Day of in the Year of our Lord

'Witneſs *E. F.* *A. B.*'

which muſt be entered with the Clerk.

Which Transfer ſhall be produced and notified to the Clerk or Treaſurer to the ſaid Truſtees, who ſhall cauſe an Entry or Memorial to be made thereof in the before mentioned Book or Books, ſpecifying the Date, Names of the Parties, and Amount of the Sum transferred, for which Entry the ſaid Clerk or Treaſurer ſhall be paid the Sum of One Shilling and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon, and ſuch Aſſignee or Aſſignees may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*, 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.

No Preference among the Creditors for the Money raiſed under this Act.

XLVI. Provided always, and be it further enacted, That no Preference ſhall be given to any Perſon or Perſons, who hath or have advanced any Sum or Sums of Money upon the Credit of the ſaid recited Acts or any of them, or who ſhall or may advance any Sum or Sums of Money upon the Credit of this Act, in reſpect of the Priority of having advanced, or of advancing any ſuch Sum or Sums of Money, but that all Perſons to whom any Mortgages or Aſſignments have been or ſhall be made as aforeſaid, ſhall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the ſame Tolls, in equal Degree one with another.

Application of the Tolls and Money to be borrowed.

XLVII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the ſaid recited Acts and of each of them, or out of the Tolls and all other Monies which ſhall be raiſed or received by virtue of this Act, the ſaid Truſtees ſhall, in the firſt Place, pay and diſcharge all Coſts and Expences relative to procuring and paſſing this Act, and the Remainder of all ſuch Monies ſhall from Time to Time be applied in repaying the Money borrowed or now owing by virtue of the ſaid recited Acts or any of them, or to be borrowed in purſuance of this Act, and the Intereſt due and to grow due thereon reſpectively, and in cauſing one or more Survey or Surveys of the ſaid Road, or any Part or Parts thereof, to be made, and in repairing, widening, improving, and rendering commodious the ſaid Road, and in making, completing, and keeping in Repair the ſaid new Road and Bridge, and in otherwiſe putting this Act into Execution, and to or for no other Uſe or Purpoſe whatſoever.

Power to get Materials.

XLVIII. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors of the ſaid Truſtees, and all ſuch Perſons as he or they ſhall

ſhall appoint, to ſearch for, dig, gather, take, and carry away any Materials for making and repairing the ſaid Roads, out of any common River or Brook, or out of or from any Waſte or Common in or near or convenient to which any Part of the ſaid Road lies, without paying any Thing for ſuch Materials, the ſaid Surveyor or Surveyors, or other Perſons filling up the Pits or Quarries, levelling the Grounds or ſloping down the Banks wherefrom ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame ſhall not be dangerous to any Perſons or Cattle, and paying for the Damages done by going through and over any incloſed Lands or Grounds, for or with ſuch Materials (ſuch Damages to be aſcertained as herein-after mentioned); and alſo that it ſhall be lawful for the ſaid Surveyor or Surveyors, and ſuch Perſons as he or they ſhall appoint, to ſearch for, dig, gather, take, and carry away any ſuch Materials in or out of the Land of any Perſon (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any Houſe or any Piece of Ground planted and ſet apart as a Nurſery for Trees) making or tendering ſuch Satisfaction for the Damages done to the Owners or Occupiers of the Lands where and from whence the ſame ſhall be dug, gathered and carried away, or over which the ſame ſhall be carried, as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyors, or other Perſons appointed and employed as aforeſaid, and the Owners and Occupiers of ſuch Lands or any of them, concerning ſuch Payments and Damages as aforeſaid, any Two Juſtices of the Peace for the County wherein the Place from whence ſuch Materials ſhall have been taken ſhall be ſituate, on Fourteen Days Notice thereof being given in Writing by either Party to the other, ſhall hear, ſettle, and determine the Matter of ſuch Payments and Damages, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive on all Parties.

Notice to be given to the Owners or Occupiers of Land before Materials are got.

XLIX. Provided nevertheleſs, and be it further enacted, That no Surveyor, or any other Perſon or Perſons acting under the Authority of this Act, ſhall begin to dig, gather, or carry away any Materials for making or repairing the ſaid Road, out of or from any incloſed Land, until Notice in Writing ſigned by the ſaid Surveyor ſhall have been given to the Owner or his known Agent, or to the Occupier of the Land from which ſuch Materials are intended to be taken, or left at ſuch Owner or Occupier's uſual Place of Reſidence, to appear before any Two Juſtices of the Peace acting for the County or Place wherein ſuch Land ſhall lie, to ſhew Cauſe why ſuch Materials ſhould not be had therefrom; and in caſe any ſuch Owner, Agent, or Occupier, ſhall attend purſuant to ſuch Notice, ſuch Two Juſtices ſhall, if they ſhall think proper, authorize ſuch Surveyor or other Perſon to dig, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Juſtices ſhall ſeem proper; and if ſuch Owner or Occupier ſhall neglect or refuſe to appear by himſelf or herſelf, or his or her Agent, ſuch Juſtices ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes, as if ſuch Owner or Occupier or his or her Agent had attended, and the Order of ſuch Juſtices reſpectively ſhall be final and concluſive to and upon all Parties.

Penalty on taking away Materials

L. And be it further enacted, That if any Perſon whomſoever ſhall take away any Materials which ſhall be dug, gotten, or gathered for the Repair

raiſed by a Surveyor, &c.

Repair or Uſe of the ſaid Roads, Toll Houſes, or Bridges, or ſhall raiſe or carry away any Materials out of, or otherwiſe interfere with or obſtruct the working of any Pit or Quarry, which ſhall have been made or opened for the Purpoſe of getting Materials for making, repairing, and building the ſaid Roads, Toll Houſes, and Bridges before the ſaid Surveyors, or their Workmen, have diſcontinued working therein for the Space of Three Calendar Months, (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made, as to Materials for his own private Uſe only, and not for Sale, or except the Surveyor ſhall have given Leave for that Purpoſe) every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Five Pounds.

Surveyors may remove Annoyances, &c.

LI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint from Time to Time, to remove and prevent all Obſtructions, Nuiſances, and Annoyances, on any Part of the ſaid Road, by Timber, Wood, Filth, Dung, Aſhes, Rubbiſh, Straw, or otherwiſe, and to turn any Watercourſes, Sinks, or Drains running along, into, or out of the ſaid Road, to the Prejudice thereof, and to open, ſcour, cleanſe, widen, or make deeper any Watercourſes or Ditches adjoining thereto, and to make the ſame as deep and as large as he or they ſhall think neceſſary, and to cut down, lop, or top, at proper Seaſons of the Year, any Trees, not being an Ornament or Shelter to any Houſe, Shrubs, Buſhes, or Weeds of whatever Kind, growing or to grow on the ſaid Roads, or on the Sides thereof, or in the Hedges or Banks adjacent thereto, (not being a Garden, Orchard, Plantation, Walk, or Avenue to a Houſe or Nurſery or Ground planted with Trees) and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſes ſhall for the Space of Five Days next after a printed or written Notice given for that Purpoſe by ſuch Surveyor or Surveyors, neglect or refuſe to lop, top, cut down, or remove ſuch Trees, Shrubs, Buſhes, or Weeds, or to open, ſcour, cleanſe, widen, or deepen ſuch Watercourſes or Ditches, or remove ſuch Obſtructions, Nuiſances, or other Annoyances, in ſuch Manner as the ſaid Truſtees, or the ſaid Surveyor or Surveyors ſhall require; the Charges whereof, in caſe of any Difference between the ſaid Owners or Occupiers, and the ſaid Surveyor or Surveyors, any Two or more Juſtices of the Peace for the ſaid County, on Three Days Notice being given in Writing by either Party to the other, ſhall ſettle and determine, and which Charges ſhall be reimburſed to ſuch Surveyor or Surveyors, by ſuch Owners or Occupiers, and be recovered in ſuch Manner as the Penalties and Forfeitures impoſed by this Act are herein directed to be recovered; and every Perſon ſo neglecting or refuſing, ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Penalty for erecting Incroachments on the Side of the Road.

LII. And whereas great Inconveniences have ariſen, and may ariſe, from erecting Dwelling Houſes and other Buildings, and making Hedges, Ditches, and other Fences too near the ſaid Road; for Remedy whereof be it enacted, That if any Perſon ſhall, from and after the paſſing of this Act, encroach by making, or cauſing to be made, any Dwelling Houſe or other Building, Hedge, Ditch, or other Fence, within the Diſtance of Twenty Feet from the Middle or Centre of the ſaid new Road from *Far-Croſs-Bank* to the *Lound*, or within the Diſtance of Fifteen Feet from the Middle or Centre of the other Parts of the ſaid Road (except Turnpike

Turnpike Houſes erected or to be erected by order of the ſaid Truſtees, or unleſs the ſaid Truſtees ſhall conſent or agree thereto, or that the ſame ſhall remain) every Perſon ſo offending ſhall forfeit, for every ſuch Offence, any Sum not exceeding Five Pounds; and it ſhall be lawful for the ſaid Truſtees, by Order under their Hands, made at a public Meeting or ſome Adjournment thereof, or at any Meeting to be held for that or any other Purpoſe as before enacted, directed to their Surveyor, to cauſe ſuch Dwelling Houſes, Buildings, Hedges, Ditches, or other Fences, to be pulled down or filled up at the Expence of the Perſon or Perſons to whom the ſame ſhall belong; and it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace in and for the ſaid County of *Weſtmorland*, upon Proof thereof to him or them made upon Oath, to levy as well the the Expences of taking down ſuch Dwelling Houſes, Buildings, Hedges, and Fences, and filling up the Ditches as aforeſaid, as the Penalty hereby impoſed, by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner on Demand.

Power to make Cauſeways and Drains.

LIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or for the ſaid Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, (ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees) to make and repair, or cauſe to be made and kept in repair, any Cauſeway or Cauſeways for the Uſe of Foot Paſſengers, along any Part or Parts of the ſaid Roads, in ſuch Manner as they ſhall ſee convenient; and alſo Ditches or Drains in and upon the ſaid Roads, and alſo through any Ground lying contiguous thereto; and alſo to erect, build, and keep in repair Bridges and Arches upon the ſaid Roads, or acroſs any ſuch Ditches or Drains where neceſſary; and alſo to make, or cauſe to be made, a Road through the Grounds adjoining to any ruinous or narrow Part of the ſaid Roads, (ſuch Grounds reſpectively not being the Scite of or Ground whereon any Houſe or Houſes ſtand, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any Houſe or incloſed Ground, planted and ſet apart as a Nurſery for Trees) to be made uſe of by all Paſſengers, Cattle, and Carriages, as a public Highway, whilſt ſuch ruinous or narrow Part of the ſaid Road is repairing or widening, and until it ſhall be convenient for Paſſengers or Carriages to paſs along the ſame, making ſuch Recompence to the Owners and Occupiers of ſuch private Grounds reſpectively, for the Damages they ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees; but that no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid, upon or through any Heath, Moor, Common, or Waſte Grounds; and in caſe of any Difference concerning the ſame, between ſuch Owners or Occupiers and the ſaid Truſtees, that then it ſhall be lawful for the Juſtices of the Peace, or the major Part of them aſſembled at the next General Quarter Seſſions of the Peace for the County of *Weſtmorland*, or at the Second Quarter Seſſions at the furtheſt, or at any Adjournment thereof reſpectively, on Fourteen Days Notice in Writing being given by either Party to the other, to ſettle, adjudge, and finally determine what Recompence ſhall be made to ſuch Owner and Occupiers for the Damages they ſhall have ſuſtained as aforeſaid, which Determination ſhall be final and concluſive to all Parties, but no Satisfaction ſhall be made for doing or performing any of the Works aforeſaid upon or through any Heath, Moor, Common, or Waſte Lands.

LIV. And

Penalty on Perſons riding or driving Cattle on Cauſeways.

LIV. And be it further enacted, That if any Perſon or Perſons ſhall ride upon any Cauſeway or Cauſeways, or on any other Way or Ways now made or hereafter to be made, upon or on the Sides of the ſaid Roads for the Uſe of Foot Paſſengers, or ſhall lead or drive any Horſe, Mule, Aſs, Carriage, Cow, or other Cattle, Sheep, Lamb, Boar, Sow, or Pig, or ſhall drag or uſe any Wheel-barrow or Hand-Cart, upon any ſuch Cauſeway or Cauſeways or other ſuch Way or Ways aforeſaid, or ſhall do or cauſe any Injury or Damage to be done to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Twenty Shillings;

If any Horſe or Beaſt be found paſturing on Side of Road.

and if any Horſe or Horſes, Mule or Mules, Aſs or Aſſes, Ox, Bull, Cow, Calf, Sheep, Lamb, Boar, Sow, or Pig, ſhall be found wandering or depaſturing upon or on the Side or Sides of the ſaid Road, or any Part thereof, (except where the ſame ſhall paſs over any Common, Heath, or Moor) or upon or on the Side or Sides thereof, in any Town or Village through which the ſame ſhall paſs, the Owner or Owners thereof reſpectively, ſhall

Penalty.

reſpectively forfeit and pay any Sum not exceeding Twenty Shillings to the ſaid Surveyor or Surveyors, and he and they, and every Perſon and Perſons by him or them nominated and appointed for that Purpoſe, is and are hereby authorized and required to cauſe all and every ſuch Horſe or Horſes, Mule or Mules, Aſs or Aſſes, Ox, Bull, Cow, Calf, Sheep, Lamb, Boar, Sow, or Pig, as ſhall be ſo found wandering or depaſturing upon the ſaid Road, or on the Side thereof as aforeſaid, to be

Surveyor may impound and fell.

diſtrained and impounded in any common Pound, until ſuch Penalty or Penalties ſhall be paid to ſuch Surveyor or Surveyors, over and above the uſual Fee, or a reaſonable Allowance to the Proprietor, Keeper, or Occupier of the Pound for his Trouble; and in caſe the ſame ſhall not be paid within Three Days next after ſuch Diſtreſs and Impounding, and Notice thereof given to the Owner or Owners, then the Perſon or Perſons diſtraining and impounding, ſhall and may ſell the Horſe, Beaſt, or other Thing ſo diſtrained and impounded, and return the Overplus of the Money ariſing by Sale thereof, after detaining and paying ſuch Penalty or Penalties, Fees and Allowances, and all other Expences, on demand, to the Owner or Owners thereof; and in caſe any Perſon or Perſons ſhall moleſt or diſturb the ſaid Surveyor or Surveyors, or any Perſon or Perſons appointed or employed by him or them, in leading or driving any ſuch Horſe, Beaſt, or other Thing ſo diſtrained, to be impounded as aforeſaid, he, ſhe, or they ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Forty Shillings.

Directions as to Gates leading into Fields adjoining Roads,

LV. And be it further enacted, That all Gates to be hereafter made and placed in any Field, Ground, or Place adjoining any Part of the ſaid Road, ſhall be made, hung and ſet up, ſo as to open inwards only to ſuch Field, Ground, or Place, and not outwards towards the ſaid Road, under a Penalty or Forfeiture not exceeding Forty Shillings, to be paid by the Owner or Occupier of ſuch Field, Ground, or Place; and that it ſhall be lawful for the ſaid Truſtees, or their Surveyor or Surveyors to cauſe all ſuch Gates as are now or may hereafter be erected and conſtructed ſo as to open outwards towards the ſaid Road, to be altered and made ſo as to open inwards and from the ſaid Road only, and defray the Expence thereof out of the ſaid Tolls; and that no Throughs, Through-

and Stones projecting from Walls, &c.

ſtones, or other Stones, ſhall hereafter be put or placed in any Wall or Walls, Fence or Fences, Building or Buildings, hereafter to be repaired or built, on the Side of or adjoining to the ſaid Road, or any Part thereof, ſo as to project above One Inch from or beyond ſuch Wall, Fence, or Building,

Building, into or towards the ſaid Road, under a Penalty not exceeding Five Shillings for every ſuch Through, Through-ſtone, or other Stone ſo projecting, to be paid by the Owner or Occupier of ſuch Wall, Fence, or Building, or of the Field, Land, or Ground whereon the ſame ſhall be repaired or built; and that it ſhall be lawful for the ſaid Truſtees, or their Surveyor or Surveyors, to cauſe all ſuch Throughs, Through-ſtones, or other Stones as now project from or beyond any Wall or Walls, Fence or Fences, Building or Buildings, on the Side or Sides of the ſaid Road, to be broken off or taken out, and defray the Expence thereof out of the ſaid Tolls.

Nails of all Waggons, Carts, and Carriages, to be ſufficiently counterſunk.

LVI. And be it further enacted, That if any Perſon or Perſons ſhall, from and after Three Calendar Months next after the paſſing of this Act, drive or uſe, or cauſe to be driven or uſed, any Coach, Waggon, Wain, Cart, or other Carriage, upon the ſaid Road, or any Part thereof, with the Nails of the Tire or Tires of any Wheel or Wheels thereof riſing or projecting above One Eighth of an Inch from or beyond the Surface of ſuch Tire or Tires, the Owner or Owners of every ſuch Waggon, Wain, Cart, or other Carriage, ſhall forfeit and pay any Sum not exceeding Forty Shillings, and the Driver thereof not being the Owner, ſhall forfeit and pay any Sum not exceeding Twenty Shillings for every ſuch Offence.

Truſtees to erect Mile-ſtones and Guide-poſts.

Penalty for defacing them, and for injuring the Road, Bridges, Abutments, Fences, &c.

LVII. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Road to be meaſured, and Stones or Poſts to be placed in or near the ſame, denoting the Number of Miles and Diſtance of Places, as they ſhall think proper, and alſo Guide Poſts, at the ſeveral Roads leading out of the ſaid Road, directing to what Place or Places the ſaid Roads reſpectively lead, as they ſhall think fit; and if any Perſon or Perſons ſhall wilfully break, damage, or pull up any of the Mile Stones, Poſts, or Guide Poſts, already erected or hereafter to be erected, upon or near any Part of the ſaid Road, or ſhall obliterate or deface any of the Figures, Letters, or Marks thereon; or if the Driver of any Waggon, Wain, Cart, or any other Carriage, ſhall wilfully, careleſsly, or negligently pull up, break, or damage any Poſts or Stones, erected or hereafter to be erected, for the Security or Support of any Cauſeway, or Way for Foot Paſſengers, or drive the Wheel or Wheels of any Waggon, Cart, or other Carriage, upon any ſuch Cauſeway or Way for Foot Paſſengers, or againſt the Side thereof, to the Damage thereof, or againſt the Wall, Parapet, or Battlement of any Bridge, now or hereafter to be built or erected, upon the ſaid Road, or againſt any Abutment, Parapet, or other Wall or Fence, or any Poſt or Rail now or hereafter to be erected, built, or placed on the Side of the ſaid Road, or any Part thereof, for the Support or Preſervation of the ſame, or for the Protection of Horſes, Cattle, Carriages, or Paſſengers, to the Damage thereof, or of any Part or Parts thereof reſpectively; or if any Perſon or Perſons ſhall pull down, throw down, damage, or injure any ſuch Wall, Parapet, or Battlement, of any ſuch Bridge, or any ſuch Abutment, Parapet, or other Wall or Fence, Poſt or Rail, or any Part or Parts thereof reſpectively; or if any Perſon or Perſons ſhall, with any Horſe or Horſes, or Beaſt or Beaſts of Draught, or otherwiſe haul, drag or draw, or cauſe to be hauled, dragged or drawn, or ſhall aſſiſt in hauling, dragging, or drawing any Tree or Piece of Timber, or any Stone or other heavy Thing, otherwiſe than on a Wheel Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber, Stone, or other heavy Thing, which ſhall be conveyed in or on any Wheel Carriage,

to drag upon any Part of ſuch Road, to the Damage or Prejudice thereof; or if any Perſon or Perſons ſhall lay any Hay, Straw, Fern, or other Matter or Thing, upon any Part of the ſaid Road, to be made into Manure, or ſhall ſcrape off the ſame, or any Mud, Soil, or other Matter or Thing which ſhall lie upon any Part of the ſaid Road, with an Iron Cow Rake, Coal Rake, or any Inſtrument with ſharp Points, whereby the ſaid Road, or any Part thereof ſhall be damaged; or if any Perſon or Perſons ſhall leave any Waggon, Wain, Cart, or other Carriage in, upon, or on the Side of any Part of the ſaid Road, either with or without any Horſe or Beaſt harneſſed or yoked thereto, or longer than may be neceſſary to load or unload the ſame, or ſhall not place the ſame during the Time of loading or unloading the ſame, as near the Side of the ſaid Road as conveniently may be; or ſhall leave any Plough, Harrow, Drill, Machine, or other ſuch Implement of Agriculture or Huſbandry, or ſhall lay any Piece of Timber, or any Stones, Slate, Hay, Straw, Dung, Manure, Soil, Rubbiſh or other Matter or Thing whatſoever, on any Part of the ſaid Road, or on the Side thereof, (except Materials for repairing the ſaid Road, and building or repairing any Bridge or Bridges thereon, by the Direction of the ſaid Truſtees, or their Surveyor or Surveyors) to the Prejudice or Annoyance thereof, or of any Perſon or Perſons, Horſe, Beaſt, or Carriage travelling thereon, or if any Perſon driving any Carriage of any Deſcription upon the ſaid Road, and meeting another Carriage of any Deſcription, ſhall not keep on the left Side of the ſaid Road, the Carriage that he or ſhe ſhall be ſo driving, or if any Perſon ſhall, in any Manner, wilfully prevent or obſtruct any other Perſon from paſſing him or her, or the Carriage under his or her Care, upon the ſaid Road, and be convicted thereof reſpectively, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings.

Truſtees may contract for making or repairing the Road, &c.

LVIII. And be it further enacted, That the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall for that Purpoſe authorize, delegate, or appoint, ſhall and may, and they and he are and is hereby empowered to contract with any Perſon or Perſons for making the ſaid intended Road, and for altering, diverting, widening or repairing the ſaid Roads, or any Part thereof, and for erecting Mile or Direction Stones, Poſts, or Guide Poſts thereon, or for doing any other Work to be performed in the Execution of this Act, in ſuch Manner, and for ſuch Sum or Sums of Money, as the ſaid Truſtees ſhall think proper; and that all Contracts or Agreements, in Writing, entered into purſuant to any Order of the ſaid Truſtees, by their Clerk or Treaſurer, Surveyor or other Officer, with any Workmen, or other Perſon or Perſons, relating to any Matter or Thing to be done by virtue of this Act, ſhall be binding upon all ſuch Parties and Perſons as ſhall ſign the ſame, his, her, or their Executors and Adminiſtrators; and that Actions and Suits ſhall and may be maintained thereon by the ſaid Truſtees, or by their Clerk or Clerks, Treaſurer or Treaſurers, and in his or their Name or Names reſpectively, and Damages and Coſts recovered againſt the Party or Parties, or Perſon or Perſons, failing in the Performance of ſuch Contracts or Agreements reſpectively; and ſuch Sum or Sums of Money as ſhall or may be requiſite for repairing the ſaid Road, or any other Matter or Thing to be done by virtue of this Act, and which, by ſuch Contracts or Agreements reſpectively, the Parties ought to have done, ſhall be the Meaſure of the Damages to be recovered in any Action or Suit againſt ſuch Party or Parties, or Perſon or Perſons ſo as aforeſaid making Default in fulfilling

fulfilling his, her, or their Contract or Agreement; any Law or Uſage to the contrary in anywiſe notwithſtanding.

Power to enter Lands for ſetting out and making Roads.

LIX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and their Surveyor or Surveyors, Workmen and Aſſiſtants, with or without Horſes and Carriages, from Time to Time to enter the Lands or Grounds through or near which the ſaid Road hereby authorized to be made and kept in Repair is intended to paſs, and to ſtake and ſet out the ſame in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject to any Fine, Penalty, or Action for entering or continuing upon any Parts of ſuch Lands or Grounds reſpectively for any of the Purpoſes of this Act, making Satisfaction (if required) to the Owners or Occupiers of ſuch Lands or Grounds for the Damage which ſhall be done to the Land or Ground on the Sides of the ſaid Road while the ſame ſhall be making; and if any Perſon ſhall pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out the ſaid Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds; and that all ſuch Parts of the ſaid Lands or Grounds as ſhall be ſo laid out into the ſaid Road ſhall be deemed and taken to be a public Highway, and ſhall be uſed as ſuch for ever thereafter.

Truſtees may make and divert the new Road, &c.

LX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and their Surveyor or Surveyors, and Workmen, and they are hereby authorized and empowered to make and repair the ſaid new Turnpike Road in the Line and Direction herein ſpecified, and from Time to Time (if neceſſary) to widen, divert, ſhorten, vary, turn, and alter, (within the Diſtance herein-after mentioned) the Courſe or Path of the ſaid new Road, or any Part or Parts thereof reſpectively, and that ſuch Road and every Variation may be of any Width not exceeding Forty Feet, excluſive of the Ditches and Fences on each Side thereof, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damages they may ſuſtain thereby; and for that Purpoſe it ſhall be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of, and Perſons intereſted in any Lands or Hereditaments, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the making the ſaid new Road, or by widening, diverting, turning, or altering the Courſe or Path of the ſame, or any Part or Parts thereof through ſuch Lands or Hereditaments; and it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Tenants for Life or in Tail, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Truſtees, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Infants, Iſſue unborn, Wards, Ceſtuique Truſts, Lunatics, Idiots, Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert who are or ſhall be ſeiſed in their own Right, or entitled to Dower, and to and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeized of and intereſted in any ſuch Lands or Hereditaments, to contract with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them all or any of ſuch Lands or Hereditaments, or any Part thereof for the Purpoſes aforeſaid; and all Contracts, Sales, and Conveyances which ſhall be ſo made ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage,

or

or other Matter to the contrary thereof in anywiſe notwithſtanding; and all ſuch Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they ſhall do by or in purſuance of this Act.

Truſtees not to deviate more than One hundred Yards from the Line laid down in the Plan of new Road.

LXI. And whereas a Map or Plan deſcribing the Line of the ſaid new Road, and the Lands through which the ſame is intended to be carried, together with a Book of Reference, containing Liſts of the Names of the Owners, or reputed Owners and Occupiers of ſuch Lands, has been depoſited at the Office of the Clerk of the Peace for the County of *Weſtmorland*, be it therefore enacted, That the ſaid Map or Plan, and Book of Reference, ſhall remain in the Cuſtody of the Clerk of the Peace for the ſaid County, to the End that all Perſons may, at any reaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies and Extracts thereof, at their Will and Pleaſure, paying the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Map or Plan, and Book of Reference; and that the ſaid Truſtees, in making, widening, diverting, ſhortening, varying, turning, or altering the ſaid new Road, ſhall not deviate more than One hundred Yards from the Line deſcribed in ſuch Map or Plan, without the Conſent and Approbation, in Writing, of the Perſon or Perſons, Body Politic, Corporate or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made, ſuch Conſent to be depoſited and kept in the Office of the Clerk of the Peace for the ſaid County of *Weſtmorland*.

Power to make Road although Names of the Owners of Lands omitted.

LXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to make or ſet out the ſaid new Turnpike Road in the Line thereof laid down and deſcribed in the ſaid Map or Plan, or within the Diſtance of One hundred Yards thereof, although the Name or Names of any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, through or over whoſe Lands the ſame ſhall be made or ſet out, may have been erroneouſly deſcribed or omitted in the Book of Reference depoſited with the ſaid Map or Plan, in caſe it ſhall appear to and be certified by Two or more Juſtices of the Peace for the County of *Weſtmorland*, that ſuch Error or Omiſſion proceeded from Miſtake or Accident.

Deviation allowed with Conſent of the Owners.

LXIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees to ſet out, make, widen, divert, or alter the ſaid new Turnpike Road beyond the Diſtance of One hundred Yards from the Line thereof laid down and deſcribed in the ſaid Map or Plan, if the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, through or over whoſe Lands the ſaid Road ſhall be made, ſet out, or diverted, ſhall conſent thereto, and ſhall ſignify ſuch his, her, or their Conſent in Writing, under his, her, or their Hand or Hands, or Corporate Seal or Seals.

Fences to be made where the Road ſhall be cut through inclоſed Lands, &c.

LXIV. And be it further enacted, That in all Caſes where any inclоſed Land ſhall be cut through for the Purpoſes of this Act, or of ſuch Part of the ſaid laſt recited Act as ſhall not be repealed by virtue of this Act, the ſaid Truſtees ſhall make, or cauſe to be made, proper Quickſet Fences, or Stone Walls, or other Fences, as the Caſe ſhall require, ſo as

effectually to guard and fence off the Lands adjoining to the ſaid Roads, and alſo proper Gates, Bridges, Arches, and other Works, where neceſſary, out of the ſaid Roads into the Lands adjoining, and ſhall keep the ſaid Fences ſo to be made, in good Order and Repair for the Term of Three Years from the Time of making thereof; or otherwiſe in the Compenſation to be made to the Owners and Occupiers of ſuch Land, the making and keeping in Repair ſuch Fences, Gates, and Arches, Dykes or Ditches, as the Caſe may require, ſhall be taken into Conſideration, and an Allowance made for the ſame.

Road not to be begun to be made until the Owners of Land ſhall be paid the Purchaſe Money.

LXV. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Truſtees, or any of them, or their Surveyor or Surveyors, or any other Perſon, to begin to make the ſaid intended Road in and upon, through or over any private Lands, Grounds, or Hereditaments, until the Owner or Proprietor, and every Perſon intereſted therein, ſhall be paid and ſatisfied the Purchaſe Money, to be agreed upon, or adjudged or aſſeſſed in Manner herein mentioned for ſuch private Lands, Grounds, or Hereditaments, to be taken for the Purpoſe of this Act, or until ſuch Purchaſe Money ſhall be depoſited in the Bank of *England*, in the Name of the Accountant General of the Court of Chancery, in the Manner, and ſubject to the Conditions, Orders, and Reſtrictions by this Act directed, as the Caſe may be.

Truſtees not to take down Buildings, &c.

LXVI. Provided always, and it is hereby enacted and declared, That the Power and Authority hereby given to the ſaid Truſtees ſhall not extend to the pulling down any Dwelling-houſe or other Building, or taking in the Scite of any Houſe or other Building, or any Part thereof, or to take in any now exiſting Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or any incloſed Ground now ſet out as a Plantation, without the Conſent, in Writing, of the Owners or Proprietors thereof, and Perſons intereſted therein, or their Truſtees, Parents, or Guardians, firſt had and obtained, except a ſmall Yard and certain Buildings therein in the Occupation of *Fanny Atkinſon*; a certain Garden in the Occupation of *Robert Petrie*, belonging to *Jacob Wakefield*; certain Gardens in the Occupation of *Simon Myerſcough*, *Alan Simpſon*, *Edward Gibſon*, and *Iſaac Singleton*, belonging to *Thomas Cookſon*; a certain Garden in the Occupation of *Iſaac* and *William Wilſon*, belonging to the Mayor and Corporation of *Kirkby* in *Kendal*; a certain Garden in the Occupation of *John Grier*, belonging to *Thomas Greenhow*; a certain Outhouſe in the Occupation of *John Jackſon*, belonging to *Fletcher Raincock*; and a certain Garden in the Occupation of *Richard Walker*, belonging to *John Wakefield*, all in the Pariſh of *Kirkby* in *Kendal* aforeſaid.

When Perſons neglect or refuſe to treat.

LXVII. And be it further enacted, That if ſuch Bodies Politic, Corporate, or Sole Executors, Adminiſtrators, Huſbands, Guardians, Feoffees, Truſtees, Committees, or any other Perſon or Perſons intereſted in any ſuch Lands or Hereditaments, upon Notice to him, her, or them, given or left in Writing at the Dwelling-houſe or Dwelling-houſes, or other Place or Places of Abode of ſuch Perſon or Perſons, or of the principal Officer or Officers of ſuch Bodies Politic, Corporate, or Sole, Eccleſiaſtical or Civil, or at the Houſe of the Tenant in Poſſeſſion of the Lands or Hereditaments intended to be taken in and added to any of the ſaid Road or intended new Road, and through which any ſuch Road is to be varied, diverted, turned,

turned, or altered, ſhall, for the Space of Ten Days next after ſuch Notice given or left, neglect or refuſe to treat, or ſhall not agree in the Premiſes, or by reaſon of Abſence ſhall be prevented from treating, then and in every or any ſuch Caſe the ſaid Truſtees ſhall cauſe ſuch Damage or Recompence to be enquired into and aſcertained by a Jury of Twelve indifferent Men of the County of *Weſtmorland*; and in order thereto, the ſaid Truſtees are hereby authorized and required, from Time to Time as Occaſion ſhall require, to ſummon and call before ſuch Jury, and examine upon Oath any Perſon or Perſons whomſoever, (which Oath or Oaths any One or more of the ſaid Truſtees is and are hereby empowered to adminiſter) and ſuch Truſtees ſhall, by ordering a View or otherwiſe, uſe all lawful Ways and Means, as well for their own as the Jury's Information in the Premiſes; and after the ſaid Jury ſhall have enquired of and aſſeſſed ſuch Damage and Recompence, they the ſaid Truſtees ſhall thereupon order, adjudge, and determine, the Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the ſaid Owners and other Perſons intereſted in ſuch Lands or Hereditaments, according to the Verdict or Inquiſition of ſuch Jury, which ſaid Verdict or Inquiſition, and Judgment, Order, or Determination thereon, ſhall be binding, final, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whomſoever, claiming or to claim in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, Lunatics, Idiots, and Perſons under any Diſability whatſoever, Bodies Politic, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, as well as all Perſons whomſoever; and for the ſummoning and returning ſuch Jury, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the ſaid County of *Weſtmorland*, requiring him to impannel, ſummon, and return Twenty-four Perſons qualified to ſerve on Juries, to appear before the ſaid Truſtees at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and ſuch Sheriff or his Deputy or Deputies is and are hereby required to impannel, ſummon, and return ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees ſhall, and they are hereby empowered and required to draw by Ballot, and to ſwear or cauſe to be ſworn, Twelve Men, who ſhall be the Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies, or the ſaid Truſtees, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve, and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Truſtees ſhall have Power from Time to Time to impoſe any reaſonable Fine or Fines upon ſuch Sheriff, or his Deputy or Deputies, Bailiffs or Agents, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and who ſhall not appear, or appearing ſhall refuſe to be ſworn on the ſaid Jury, or being ſworn ſhall refuſe to give, or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect their Duty thereon, contrary to the true Intent and Meaning of this Act, and on any of the Perſons who being required to give Evidence before the ſaid Jury ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or examined, or give Evidence, ſo that no ſuch Fine be more than Ten Pounds on any one Perſon for one Offence.

LXVIII. And

How Expences of a Jury shall be paid.

LXVIII. And be it further enacted, That if any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the Treasurer to the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person and Persons with whom the said Trustees have had such Controversy or Dispute, which said Costs and Expences having been settled by some Justice of the Peace for the said County of *Westmorland*, not interested in the Matter in question, (who is hereby required to examine and settle the same, at a Time and Place to be by him appointed, after summoning the Parties interested therein, to attend him for that Purpose) shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person and Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken, to all Intents and Purposes, to be a Tender and Payment of the whole Sum or Sums so assessed and adjudged, or otherwise, such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Trustees by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

Money agreed upon or assessed, how to be paid or tendered.

LXIX. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for or ascertained, or assessed as aforesaid, shall be paid out of the Tolls, or out of the Monies to be raised by virtue of this Act, either into the Bank of *England*, or to the Parties or Persons respectively entitled to such Monies, or to their Agents (as the Case may require), and that upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to make, extend, widen, divert, vary, or turn such Road, through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands or Hereditaments, as the said Trustees shall think fit, according to the Directions of this Act; and all the

the Lands and Hereditaments which ſhall be made a Part or Parts of any Road by virtue of this Act, or of the ſaid laſt recited Act, ſhall be deemed a common Highway, and ſhall be repaired and kept in Repair as ſuch, and from thenceforth all Parties and Perſons whomſoever ſhall be diveſted of all Right and Title to ſuch Lands and Hereditaments; and the Land conſtituting any former Road, in lieu whereof ſome new Road ſhall be made by virtue of this Act, or of the ſaid laſt recited Act, unleſs leading over ſome Heath, Common, Moor, or Waſte Ground, or to ſome Village, Town, Hamlet, or Place to which the reſpective new Roads do not lead, and alſo all ſuch Toll Houſes, and other Buildings and Conveniences as ſhall become or be rendered uſeleſs to the ſaid Truſtees, or unneceſſary for the Purpoſes of this Act, ſhall be veſted in, and ſhall and may be ſold, either by public Sale or private Contract, and conveyed by the ſaid Truſtees for the beſt Price that can or may be gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied to the repairing of the ſaid Roads by this Act directed to be repaired; but the Purchaſer or Purchaſers of ſuch reſpective Premiſes ſhall not be anſwerable for the Miſ-application or Non-application of ſuch Money, and all Conveyances of ſuch Roads, Toll Houſes, Buildings, and Conveniencies, as ſhall be adjoining to Lands of Freehold Tenure, being executed by the ſaid Truſtees, and being inrolled with the Clerk of the Peace for the ſaid County of *Weſtmorland*, ſhall be good and effectual in the Law, to all Intents and Purpoſes; and all ſuch Roads and Premiſes as ſhall be adjoining to Lands of Copyhold or Cuſtomary Tenure, being conveyed by the ſaid Truſtees by Surrender or other Conveyance, ſanctioned by the Cuſtom of the Manor of which ſuch Lands ſhall be holden, ſhall be taken to be well and effectually conveyed to the Purchaſer or reſpective Purchaſers of ſuch Roads and Premiſes.

Former Roads and Toll-houſes may be ſold.

LXX. And be it further enacted, That if any Money ſhall be agreed or aſſeſſed to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken or uſed by virtue of this Act or of the laſt recited Act, which ſhall belong to any Body Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, Truſtees, Femes Covert, or other incapacitated Perſon or Perſons, ſuch Money ſhall, if the ſame 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 this Act, to the Intent that ſuch Money ſhall be paid 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 the Diſcharge of any Debt or Debts, or ſuch other Incumbrance, 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 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 Lands, Tenements, and Hereditaments which ſhall

Application of Compenſation if amounting to 200l.

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 mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall by Order of the ſaid Court of Chancery, upon Application thereto, 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 mean Time and until the ſaid Bank Annuities ſhall be ordered by the 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 to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Application where the Sum ſhall be leſs than 200l. and exceed 20l.

LXXI. Provided always, and be it further enacted, That if any Money ſo agreed or aſſeſſed to be paid for any Lands, Tenements or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Body Politic, or to any Perſon or Perſons under any 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 ſuch Caſes the ſame ſhall, at the Option of the Perſon or 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 of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and 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 the ſaid Truſtees, for executing this Act, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends and Intereſt ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where the Money is leſs than 20l.

LXXII. Provided alſo, and be it further enacted, That when ſuch Money ſo agreed or aſſeſſed to be paid, as herein-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 Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees 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 when the

LXXIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded or aſſeſſed for any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of this

Party entitled cannot be found, the Purchaſe Money to be paid into the Bank, &c.

Act, or of the laſt recited 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 awarded or aſſeſſed as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered; then and in every ſuch Caſe it ſhall be lawful for the ſaid Truſtees, to order the ſaid Sum or Sums of Money ſo awarded or aſſeſſed as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the ſaid 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 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 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 ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or 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.

In caſe of diſputed Titles.

LXXIV. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon or Perſons to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of the ſaid laſt recited Act 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 to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, and 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 be lawfully entitled to ſuch Lands, Tenements, and Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid 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.

LXXV. Pro-

Court may order reasonable Expences of Purchases to be paid by the Trustees.

LXXV. Provided always, 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 last recited Act or of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Act or of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act or of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees empowered to sell overplus Grounds.

LXXVI. And whereas, by reason of the making or diverting of some Part or Parts of the said Roads, the Trustees may happen to be seized of some Piece or Pieces of Ground over and above what are or shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground either together or in Parcels, and either by Public or Private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees before they shall sell and dispose of any Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same shall have been purchased, or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person or Persons whose Lands shall adjoin thereto (unless the said Trustees shall deem it more eligible to exchange one Piece of Ground for another); and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to or on account of the Price thereof, as hereinafter mentioned), or shall refuse (except with respect to or on account of the Price thereof) to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before Two of His Majesty's Justices of the Peace for the County of *Westmorland* (who are hereby empowered and required to take the same), by some Person or Persons no ways interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they, and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner in this Act directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne, and be paid in Manner hereinbefore directed with respect to such Purchases made by the said Trustees *mutatis mutandis*; and the Money to

First Offer to be made to the original Proprietor.

If the Parties do not agree, Price to be determined by a Jury.

arise

arise by the Sale or Sales of such Pieces or Parcels of Ground shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money; and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is hereinbefore directed with respect to the Conveyances to be made of the Land constituting any Part of the Road hereinbefore directed to be sold.

Persons now liable to repair the Roads to continue so.

LXXVII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending or maintaining any Part or Parts of the said Road, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act (subject nevertheless to the Regulations herein-after expressed concerning the same); and that all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road shall pass, shall be liable to the Repair of the said Road, and to perform their respective Works thereon, in such and the like Manner, in every respect, as they are liable to the Repair of any other common Highway within such Parish, Township, Hamlet, District, or Place respectively.

For neglecting Statute Labour.

LXXVIII. Provided always, and be it further enacted, That all Persons who are liable by Law to do Statute Work, on any Part of the Road within the Parishes, Townships, or Places through which the said Road or any Part thereof passes, or is intended to or may hereafter pass, shall be liable to do the same on the said Road; and it shall and may be lawful to and 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 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, Townships 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, Township, 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 and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such 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, Township, 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 and 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 List of Names shall be made in Manner, and under such Regulations

as is or may be directed by any Law and Statute in force and effect, or hereafter to be made 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 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 Haytime or Harvest), and in such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors 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 for 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 they the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to 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, 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 Pains, Penalties, and Forfeitures, as such Person or Persons may be subject and liable to by any Law or Statute in force and effect, or hereafter to be made for the Repair 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 the said Road, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person or Persons who shall be found idle or negligent as aforesaid; and in that Case every such Person sending such Labourer, Team or Draught, shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if 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 to 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, Townships, 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 or Surveyors so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Trustees to compound for Statute Labour, &c.

LXXIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to compound and agree by the Year or otherwise, with the Possessors, Occupiers, Grantees, Trustees, Feoffees, and Committees of Lands, Tenements, or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part of the said Road, or of any Bridge, Arch, or Sewer, or with any Person or Persons

for the Performance of his, her, or their Statute Work thereon; and alſo that it ſhall be lawful for the Surveyor or Surveyors of the Highways or the Churchwardens or Overſeers of the Poor of any of the ſaid Pariſhes, Townſhips, or Places, by and with the Conſent of the Majority of the Inhabitants of ſuch Pariſhes, Townſhips, or Places, firſt had at a Veſtry or other public Meeting of the Inhabitants, to compound and agree by the Year or otherwiſe, with the ſaid Truſtees, for and in lieu of the Statute Work to be performed by ſuch Inhabitants upon any Part or Parts of the ſaid Road.

For enforcing the Payment of Compoſition Money.

LXXX. And be it further enacted, That in caſe the Compoſition Money agreed to be paid for paſſing through any Turnpike or Toll Gate, or in lieu of any ſuch Repairs for Statute Work as aforeſaid, or any Part or Parts of ſuch Compoſition Money reſpectively, ſhall not be paid within Fifteen Days after the ſame ſhall become payable, it ſhall be lawful for any Juſtice or Juſtices of the Peace for the ſaid County of *Weſtmorland*, by Writing under his or their reſpective Hands and Seals, to empower the Perſon or Perſons authorized to receive ſuch Compoſition Money (Oath having been firſt made before ſuch Juſtice or Juſtices, that the ſame hath been demanded and remains due, which Oath ſuch Juſtice or Juſtices are hereby empowered to adminiſter), to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons having ſo compounded or agreed to pay ſuch Compoſition Money as aforeſaid, or of the Surveyor or Surveyors of the Highways ſo agreeing to make ſuch Compoſition in lieu of any ſuch Repairs for Statute Work as aforeſaid, as the Caſe may be, returning the Overplus (if any) upon Demand, after deducting ſuch Compoſition Money, and the reaſonable Charges of ſuch Diſtreſs and Sale, to the Owner or Owners thereof.

Surveyor, &c. may recover the ſame.

LXXXI. And be it further enacted, That the reſpective Surveyors of the Highways, or the Churchwardens or Overſeers of the Poor, who ſhall pay any ſuch Compoſition Money, or of whom the ſame ſhall be recovered as aforeſaid, ſhall be repaid or reimburſed the Compoſition Money paid by or recovered of them reſpectively, with the Coſts and Charges attending ſuch Recovery, by the ſeveral Ways and Means and in ſuch Manner, as by the Laws in being Surveyors of the Highways are to be repaid or reimburſed the Monies by them expended in buying Materals for repairing the Highways.

Penalty on obſtructing Collectors, Surveyors, &c.

LXXXII. And be it further enacted, That if any Perſon or Perſons ſhall aſſault, interrupt, or hinder, or cauſe or promote to be aſſaulted, interrupted, or hindered, any Collector of the Tolls when employed either in taking the Meaſure or Gauge of any Wheel or Wheels, or otherwiſe employed in the Execution of this Act, while doing or performing any Work or Thing authorized to be done or performed by virtue of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Power to Collectors to detain unknown Perſons guilty of Offences.

LXXXIII. And whereas Offences may be committed againſt this Act by Perſons unknown to the Truſtees, Collectors, Surveyors, or other Officers appointed to put the ſame in Execution; be it therefore further enacted,

enacted, That it shall be lawful for the said Trustees, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than what is contained in this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County of *Westmorland*.

Recovery and Application of Penalties.

LXXXIV. And be it further enacted, That all Penalties and Forfeitures hereby imposed or authorized to be imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed,) with the Costs and Charges attending the Conviction of the Offender or Offenders, if not immediately paid, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any One of His Majesty's Justices of the Peace for the County of *Westmorland*, rendering the Overplus of such Distress (if any) to the Party or Parties, after deducting the Charges of making, keeping, detaining, and selling the same; which Warrant such Justice is hereby empowered and required to grant upon Conviction of the Offender or Offenders, either by Confession, or upon the Oath of one or more credible Witnesses, (which Oath or Oaths such Justice is hereby authorized, empowered and required to administer), and such Penalties and Forfeitures, when so paid, levied, or raised, shall be paid, One Half to the Informer and the other Half to the Surveyor of the said Road, to be applied towards the Repair thereof, unless otherwise directed by this Act; but if the Surveyor, Collector, or other Officer, shall be the Informer, then the Whole shall be applied towards the Repair of the said Road; and in case such Distress cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, or any Ward or Division thereof, for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, with the Costs and Charges attending the Conviction and Commitment, shall be sooner paid.

LXXXV. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace, before whom any Person or Persons shall be convicted of any Offence or Offences against this Act, shall and may cause the Conviction to be drawn up (as the Case shall happen) in the following Form of Words, or in any other Form of Words to the like Effect:

Form of Conviction.

Westmorland, to wit. } ‘BE it remembered, That on the Day of , in the Year of our Lord , *A. B.* is convicted before ‘of His Majesty's Justices of the Peace for the said County of *Westmorland*, ‘on his [*or*, her] own Confession [*or*, on the Oath of] ‘a credible Witness, or on the Oaths of and , ‘Two credible Witnesses (*as the Case may be*), of [*here specify the Offence, ‘and the Time and Place when and where committed*] contrary to an Act ‘passed

'passed in the Fifty-fifth Year of the Reign of His Majesty King *George* 'the Third, intituled [*here insert the Title of this Act, or so much* '*thereof as may be necessary*]; and I the said Justice [*or*, we the said 'Justices] do adjudge the said to have incurred the 'Penalty of , to be paid, recovered, and applied in 'Manner directed by the said Act. Given under our Hands and Seals, '[*or*, my Hand and Seal] the Day and Year first aforesaid.'

Proceedings not to be quashed for want of Form, nor removed.

LXXXVI. And be it further enacted, That no Order or Proceeding of the said Trustees, or of their Clerk, Treasurer, or Surveyor, or of any Justice or Justices of the Peace, to be made concerning any of the Matters in the last recited Act or in this Act contained, either on the Conviction or Convictions of any Offender or Offenders by virtue hereof, or otherwise, shall be quashed, set aside, or vacated for want of Form only, but the same shall be amended, if necessary, on any Appeal, and be proceeded upon on the Merits thereof, nor shall the same be removed or removeable by *Certiorari*, or otherwise, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect, Omission, or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall afterwards be committed by any Person or Persons distraining, he, she, or they, shall not, on that Account, be deemed a Trespasser or Trespassers, *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage sustained thereby, in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall be made by or on Behalf of the Party distraining, before such Action shall be brought.

Appeal to Quarter Sessions.

LXXXVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, or of such Part of the said last recited Act as shall not be repealed by virtue of this Act, and for which no particular Mode of Relief hath been already appointed, such Person or Persons may, within Fourteen Days next after such Cause of Complaint shall arise, appeal to the Justices of the Peace at the next General Sessions of the Peace to be holden in and for the County of *Westmorland*, or any Adjournment thereof, for the Division or Ward wherein such Cause of Appeal shall happen, unless such Complaint shall arise within Twenty-eight Days preceding such Session, in which Case such Appeal may be brought and heard at the Second Sessions after such Cause shall arise; and the said Justices are hereby authorized and required to take Cognizance thereof, and to hear and determine such Complaint or Complaints, and if they see Cause, shall and may, by Order of such Sessions, mitigate at their Discretion all or any Part of the Penalties or Forfeitures laid upon or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same with such Costs as to them in

their Diſcretion ſhall ſeem reaſonable; and the ſaid Juſtices are hereby authorized and required to levy by their Order or Warrant ſuch Coſts ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to pay the ſame, and for Want of ſufficient Diſtreſs, to commit ſuch Perſon or Perſons to the Common Gaol, or Houſe of Correction for the ſaid County, or for the Ward where the Appeal ſhall have been heard, for any Time not exceeding Six Calendar Months, or until the Payment of ſuch Penalty or Penalties and Coſts.

Notice of Appeal to be given.

LXXXVIII. Provided always, That the Perſon or Perſons ſo appealing as aforeſaid, ſhall and is and are hereby required to give Notice in Writing to the Clerk of the Truſtees of the ſaid Road of ſuch his or their Intention of bringing and proſecuting an Appeal Fourteen Days before the ſaid Quarter Seſſion or Adjournment thereof, and ſhall, before ſuch Notice is given, enter into a ſufficient Recognizance before One or more Juſtice or Juſtices of the Peace for the ſaid County of *Weſtmorland*, with Two ſufficient Sureties, with Condition to proſecute ſuch Appeal, and to pay all Coſts in caſe ſuch Appeal ſhall be determined againſt the Party or Parties ſo appealing.

Limitation of Actions.

LXXXIX. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done, or pretended to be done in purſuance of this Act, until after Twenty-eight Days Notice ſhall be given to the Clerk or Clerks to the ſaid Truſtees, nor after a ſufficient Satisfaction or a Tender thereof made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every ſuch Action ſhall be laid and tried in the County in which the ſame ſhall be committed, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear that the ſame was ſo done, or that ſuch Action or Suit was brought before Twenty-eight Days Notice thereof had been given as aforeſaid, or after a ſufficient Satisfaction, or a Tender thereof had been made as aforeſaid, or after the Time limited for bringing the ſame as aforeſaid, or if ſuch Action ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action or Actions after the Defendant or Defendants ſhall have appeared, or if upon any Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall and may recover Treble Coſts, and have ſuch Remedy for recovering the ſame, as any Defendant or Defendants hath or have in any Courſe of Law.

Public Act.

XC. 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.

Commencement and Term of this Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1815.