ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. xviii.

An Act for more effectually repairing the Road from the Toll Houſe Beck in the Townſhip of *Ireby*, in the County of *Lancaſter*, to *Kirkby Lonſdale* and *Kirkby Kendal*, in the County of *Weſtmorland*, and through *Kirkby Lonſdale* to *Milnthorp* in the ſaid County. [6th *April* 1819.]

WHEREAS an Act was paſſed in the Twenty-ſixth Year of the Reign of His late Majeſty King *George* the Second, intituled *An Act for repairing, amending, and widening the Road from* Keighley, *in the Weſt Riding of the County of* York, *to* Kirkby *in* Kendal, *in the County of* Weſtmorland: And whereas an Act was paſſed in the Eighteenth Year of the Reign of His preſent Majeſty, intituled *An Act for continuing the Term, and altering and enlarging the Powers of an Act made in the Twenty-ſixth Year of the Reign of His late Majeſty King* George *the Second, intituled* 'An Act for repairing, amending, and widening the Road from Keighley, in the Weſt Riding of the County of York, to Kirkby in Kendal, in the County of Weſtmorland;' whereby the ſaid Road was divided into Two Diſtricts or Diviſions, with ſeparate Truſtees for each, One of which Diviſions lies within the Counties of *Weſtmorland* and *Lancaſter*, and is commonly called the *Weſtmorland* and *Lancaſter* Diſtrict: And whereas an Act was paſſed in the Fortieth Year of His preſent Majeſty's Reign, 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 repairing, amending, and widening the Road from* Keighley, *in the Weſt Riding of the County of* York, *to* Kirkby *in* Kendal, 26G.2.c.86. 18G.3.c.113. 40G.3.c.111.

in the County of Weſtmorland, *ſo far as the ſame relate to that Part of the ſaid Road which lies within the Counties of* Weſtmorland *and* Lan-
37 G. 3. c. 165. caſter: And whereas an Act was paſſed in the Thirty-ſeventh Year of the Reign of His preſent Majeſty, intituled *An Act for repairing, widening, and improving the Public High Road leading from* Milnthorp *to* Kirkby Lonſdale, *in the County of* Weſtmorland: And whereas great Progreſs hath been made in repairing and improving the *Weſtmorland* and *Lancaſter* Diſtrict of the *Keighley* and *Kirkby* in *Kendal* Road, and alſo the ſaid *Milnthorp* and *Kirkby Lonſdale* Road, for which Purpoſe a conſiderable Sum of Money hath been borrowed, and is now due and owing on the Credit of each of the ſaid Roads reſpectively, and of the Tolls authorized to be taken thereon; but the ſaid Debts cannot be paid off, nor the ſaid Roads be maintained and kept in Repair, unleſs the ſaid Acts, ſo far as the ſame relate to the ſaid *Weſtmorland* and *Lancaſter* Diſtrict of the *Keighley* and *Kirkby* in *Kendal* Roads, and the ſaid Road from *Milnthorp* to *Kirkby Lonſdale* are repealed, and other Powers granted in lieu thereof: And whereas the ſaid *Weſtmorland* and *Lancaſter* Diſtrict of the ſaid *Keighley* and *Kirkby* in *Kendal* Road paſſes through the Town of *Kirkby Lonſdale* aforeſaid, and the ſaid *Milnthorp* and *Kirkby Lonſdale* Road ends at the ſaid Town of *Kirkby Lonſdale;* and it would tend to the more effectual Support of the ſaid Roads if they were to be repaired and maintained by the ſame Truſtees, and under the ſame Powers and Proviſions: And whereas the widening, making, and improving a certain Piece of Road commencing at a Place called *Mitchel Gate Head*, at the eaſtern Extremity of the ſaid *Milnthorp* and *Kirkby Lonſdale* Road, ſo as to join and communicate with the ſaid *Weſtmorland* and *Lancaſter* Diſtrict of the ſaid *Keighley* and *Kirkby* in *Kendal* Road, at or near a Place called *Beck Head*, in the ſaid Town of *Kirkby Lonſdale*, containing in Length Two hundred and thirty-one Yards, or thereabouts, would be attended with great Convenience, Accommodation, and Advantage to the Public; but as the Purpoſes aforeſaid cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Second *Tueſday* after the paſſing of this Act, ſo much of the ſaid recited Acts of the Twenty-ſixth Year of the Reign of King *George* the Second, and the Eighteenth and Fortieth Years of the Reign of His preſent Majeſty, as relate to the ſaid *Weſtmorland* and *Lancaſter* Diſtrict of the *Keighley* and *Kirkby* in *Kendal* Road, and alſo the ſaid recited Act of the Thirty-ſeventh Year of the Reign of His preſent Majeſty, for repairing the Road from *Milnthorp* to *Kirkby Lonſdale*, in the County of *Weſtmorland*, ſhall be, and the ſame are hereby repealed, and that inſtead thereof, this Act ſhall from thenceforth commence, and be put in Execution for and during the Term hereinafter mentioned, for the Purpoſe of more effectually making, amending, widening, ſtraightening, improving, and keeping in Repair the Turnpike Road from the Toll Houſe Beck which divides the Counties of *York* and *Lancaſter* in the Townſhip of *Ireby*, in the ſaid County of *Lancaſter*, to the *Beck Head* in the Town of *Kirkby Lonſdale*, in the County of *Weſtmorland*, and from thence by *Keaſtwick* to *Kirkby* in *Kendal*, in the ſaid County, and from the ſaid *Beck Head* to *Milnthorp*, alſo in the ſaid County of *Weſtmorland*.

Acts repealed, and this Act to commence.

II. And

Debts charged on Road.

II. And be it further enacted, That all and every Sum and Sums of Money which on the Day appointed for the Commencement of this Act ſhall be due and owing on the Credit of the ſaid former Acts, or on the Security of the Tolls thereby reſpectively granted on the ſaid Roads hereinbefore deſcribed, together with the Intereſt due thereon, ſhall ſtand and be charged and chargeable on the Term and Tolls by this Act granted, and may be recovered in like Manner as if the ſame had been lent or contracted on the Credit of this Act, or ſecured on the Tolls hereby granted; and that all and every Perſon or Perſons owing any Sum or Sums of Money to the Truſtees for executing the ſaid former Acts, ſo far as relates to the ſaid Roads, or their Clerks or Treaſurers, ſhall be liable to the Payment thereof to the Truſtees for executing this Act, or their Clerks or Treaſurers; and all Bonds, Covenants, Agreements, Contracts, Leaſes, and Securities, entered into by any Perſon or Perſons to or with the Truſtees, or their or any of their Clerks or Treaſurers for executing the ſaid former Acts, ſo far as relates to the ſaid Roads, or for the Payment of any Rent or Rents for Gates and Tolls, or on any other Account, 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.

Truſtees.

III. And be it further enacted, That the acting Magiſtrates of the Counties of *Weſtmorland* and *Lancaſter*, and the Mayor, Aldermen, and Recorder of the Borough of *Kendal* for the Time being, together with *William Atkinſon*, *Armſtrong*, *John Atkinſon*, *John Addiſon*, *Thomas Atkinſon*, *William Waltham Atkinſon*, *John Atkinſon* the Younger, *James Adam*, *William Berry*, *John Benſon*, *William Bindloſs*, *William Braithwaite*, *Henry Bickerſteth*, *Robert Briggs*, *Iſaac Burrow*, *Obadiah Burrow*, The Reverend *Thomas Butler*, *William Gilliſon Bell*, *William Williams Brown*, *Thomas Buttle*, *Chriſtopher Burrow*, *William Barton* Clerk, *John Barrow*, *John Barton*, *Bateman Backhouſe*, *James Batty*, *Giles Bleaſdale*, *Edward Blackburn* Clerk, *William Batty*, *Robert Bradley*, *James Brown*, *Joſeph Braithwaite*, *George Braithwaite*, *Iſaac Braithwaite*, *John Burrow*, *William Backhouſe*, *Roger Carus*, Sir *Allan Chambre*, *Edward Cragg*, *John Cragg*, *William Dilworth Crewdſon*, *John Cragg*, *William Cragg*, *John Hunter Cooke*, *Samuel Crewdſon*, *John Cundale*, *Thomas Cartmel*, *John Coates*, *John Clegg*, *George Cartmel*, *William Dilworth Crewdſon* the Younger, *William Carus*, *George Braithwaite Crewdſon*, *Thomas Butler Cole*, *John Dawſon*, *Robert Denniſon*, *Roger Dickinſon*, *Robert Dickinſon*, *John Dobſon* Clerk, *John Dodgſon*, *James Davis*, *John Dowker*, *Chriſtopher Fenton*, *John Ford*, *Joſeph Fayrer*, *Thomas Fell*, *John Fleming* Clerk, *Ralph Fiſher*, *Thomas Hammond Foxcroft* Clerk, *Thomas Fell*, *Richard Crompton Fell*, *Robert John Fayrer*, Sir *Daniel Fleming*, *George Garnett*, *John Gaythorne* Clerk, *William Gibſon*, *Joſeph Gibſon*, *William Gray*, *Robert Greenhow*, *Thomas Greenhow*, *Thomas Gregg*, *Robert Gawthorpe*, *John Garnett* Clerk, *Robert Garnett*, *Joſeph Gibſon*, *Joſeph Gibſon*, *James Gandy* the Younger, *John Gandy*, *Brian Walter Gregg*, *Thomas Hervey Gregg*, *Robert Hardy*, *Thomas Harriſon*, *James Harriſon*, *Thomas Hall*, *Fulke Greville Howard*, *Jonathan Hodgſon*, *Edmund Hornby*, *William Hutton*, *Edward Haſell*, *Thomas Harriſon*, *Benjamin Hunter*, *James Harriſon* the Younger, *Edmund Hornby* the Younger, *Joſeph Harriſon*, *John Hall*, *Thomas Harriſon*, *Thomas Harriſon*, *William Hutton* the Younger,

Younger, the Reverend *John Hudſon*, *John Harriman*, *John Holme*, *Robert Johnſon*, *John Ireland*, *William Johnſon*, *George Irving*, *James Johnſon*, *John Ireland* the Younger, *William Johnſon*, *John Knipe* Clerk, *Alan Kirk*, *John Kitching*, *John Kitchen*, Lord Viſcount *Lowther*, *George Lawſon* Clerk, *Thomas Lambert*, *James Lowther*, *William Lawſon*, the Honourable *Henry Cecil Lowther*, *Thomas Holme Maude*, *John Mawſon*, *William Moore*, *Giles Moore*, *William Moore*, Clerk, *William Mailing*, *John Moore*, *John Moreland*, *James Moore*, *Richard Moore* Clerk, *John Moreland* the Younger, *Alexander Nowel*, *Richard Toulmin North*, *Rowland Park*, *Francis Pearſon*, *Robert Proctor* Clerk, *Warwick Pearſon*, *Samuel Preſton*, *Thomas Tunſtall Picard*, *John Parr*, *John Bagot Pearſon*, *Alexander Pearſon*, *Phillipſon*, *John Poſtlethwaite*, *Edward Rawlinſon*, *Richard Rawlinſon*, *Reginald Remington*, *John Ramney* Clerk, *Iſaac Rigg*, *Henry Rawthmell*, *William Richardſon*, *Harling Richardſon* Clerk, *Henry Remington*, *John Rigg*, *John Rigg*, *John Rawlinſon*, *Iſaac Rigg*, *John Scott*, *Joſeph Sharpe* Clerk, *Richard Simpſon*, *John Sowden*, *Rowland Stephenſon*, *William Strickland*, *Joſeph Swainſon*, *John Stuart*, *George Strickland*, *Jerrard Strickland*, *Rawlins Saterthwaite*, *William Smith*, *John Parkinſon Sill*, *George Smyth*, *Standiſh*, *Nathaniel Sill*, *Matthew Hopkins Simpſon*, *Richard Simpſon* the Younger, *William Sleddall*, *Thomas Strickland*, *Henry Shepherd*, *Henry Smithies*, the Reverend *Samuel Scott*, *John Scott*, *Thomas Talbot*, *Edward Tatham*, *James Tatham*, *Joſeph Thexton* Clerk, *John Thompſon*, *Edmund Thornton*, *Edward Tomlinſon*, *John Towers*, *Jackſon Turner*, *Richard Trotter Tatham*, *Edmund Tatham*, *Edmund Tatham* Surgeon, *William Tomlinſon*, *Anthony Batterſby Tomlinſon*, *Thomas Tomlinſon*, *Richard Tatham*, *William Thornton*, *William Talbot*, *William Tomlinſon*, *Edward Tatham* the Younger, *Rowland Tatham*, *John Upton*, *John Upton* the Younger, *Thomas Upton*, *John Wakefield*, *Jacob Wakefield*, *Charles Luther Watſon*, *Thomas Wilkinſon*, *Daniel Wilſon*, *Edward Wilſon*, *Chriſtopher Wilſon*, *Thomas Wilſon*, *John Wilſon*, *Richard Winfield*, *William Wilſon*, *Carus Wilſon*, *William Walker*, *Bryan Waller* Clerk, *Richard Willan*, *William Wilſon*, *Iſaac Wilſon*, *William Waller* Clerk, *Smith Wilſon*, *Thomas Wilſon*, *William Wilſon*, *Iſaac Wilſon*, the Reverend *William Carus Wilſon*, M. A., *Robert Henry Welch*, *Thomas Welch*, *Edward Wilſon*, *Chriſtopher Wilſon*, *Edward Wilſon*, *John Wakefield* the Younger, *Edward William Wakefield*, *Francis Webſter*, *George Webſter*, the Reverend *Edward Yates*, M.A. *William Yeates*, *Anthony Yeates*, and *Edward Yeates* Clerk, ſhall be, and they are hereby appointed Truſtees for making, amending, widening, ſtraightening, improving, and keeping in Repair the Road hereinbefore deſcribed, and for otherwiſe putting this Act into Execution.

Electing more Truſtees.

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

V. And

V. And be it further enacted, That when and ſo often as any of the Truſtees hereby nominated and appointed, or who ſhall be elected and appointed in Manner hereinafter mentioned, ſhall die, or by Bankruptcy, Inſolvency, or otherwiſe, become diſqualified to act, or by Writing under their reſpective Hands refuſe to act in the Execution of this Act, it ſhall and may be lawful for the ſurviving or continuing Truſtees, from Time to Time, at any Meeting to be holden in purſuance of this Act, by Writing under their Hands, to elect and appoint ſome fit Perſon to be a Truſtee in the Room of every Truſtee dying or refuſing to act as aforeſaid, Twenty-one Days previous Notice of the Time and Place of Meeting of the ſaid Truſtees for every ſuch Election being given by the Clerk or Treaſurer of the ſaid Road, by affixing ſuch Notice in Writing upon the Turnpike Gates now erected or to be erected acroſs the ſaid Road; and every Perſon who ſhall be elected and appointed as a Truſtee, in Manner aforeſaid, ſhall and may act with the ſurviving and continuing Truſtees in the Execution of this Act, to all Intents and Purpoſes, as if he had been nominated and appointed a Truſtee in and by this Act. Election of new Truſtees.

VI. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, during the Time he ſhall hold any Place of Profit under this Act, nor unleſs he ſhall be ſeized of or entitled to Meſſuages, Lands, Tenements, or Hereditaments, for ſome Eſtate for Life, or of Inheritance, in Poſſeſſion, of the clear Yearly Value of One hundred Pounds, above Reprizes, or ſhall be Heir Apparent to ſome Perſon or Perſons ſeized of or entitled to Meſſuages, Lands, Tenements, or Hereditaments, for ſome Eſtate for Life or of Inheritance, of the clear Yearly Value of One hundred and fifty Pounds, above Reprizes, or ſhall be poſſeſſed of a Perſonal Eſtate, or a Real and Perſonal Eſtate together, of the Amount or Value of Four thouſand Pounds, above what ſhall be ſufficient to pay all his juſt Debts; and if any Perſon, not being ſo qualified, ſhall preſume to act as a Truſtee in the Execution of this Act, every Perſon ſo offending ſhall forfeit and pay the Sum of Fifty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager at Law, nor more than One Imparlance ſhall be allowed; and every Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe pay the Penalty, upon Proof given of his having acted as a Truſtee in the Execution of this Act. Qualification of Truſtees.

VII. Provided alſo, That every Truſtee, before he ſhall act as ſuch, (except in adminiſtering the following Oath,) ſhall take and ſubſcribe an Oath before one or more of the ſaid Truſtees, who is and are hereby empowered to adminiſter the ſame, in the Form following; (that is to ſay,)

'I *A. B.* do ſwear, That I am truly and *bonâ fide* ſeized of or entitled to Meſſuages, Lands, Tenements, or Hereditaments for ſome Eſtate for Life, or of Inheritance in Poſſeſſion of the clear Yearly Value of One hundred Pounds, above Reprizes; [*and in caſe of an Heir Apparent*, I *A. B.* do ſwear, That I am Heir Apparent to *C. D.*, who to the beſt of my Knowledge and Belief is truly and *bonâ fide* ſeized of or entitled to Meſſuages, Lands, Tenements, or Hereditaments, for ſome Eſtate Truſtee's Oath.

'Eſtate for Life, or of Inheritance, of the clear Yearly Value of One hundred and fifty Pounds, above Reprizes; *and in caſe of Perſonal, or Real and Perſonal,* I *A. B.* do ſwear, That I am truly and *bonâ fide* poſſeſſed of a Perſonal Eſtate, *or* of a Real and Perſonal Eſtate together, of the Amount or Value of Four thouſand Pounds above what will be ſufficient to pay all my juſt Debts]; and that I will truly and impartially, according to the beſt of my Judgment, execute and perform the ſeveral Powers, Authorities, and Truſts repoſed in me as a Truſtee, by virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here inſert the Title of this Act*]. So help me GOD.'

Truſtees intereſted or holding Places of Profit, or keeping victualling Houſes, &c. not to act.

VIII. Provided always, and be it further enacted, That no Perſon appointed, or to be appointed a Truſtee for putting this Act in Execution, ſhall be capable of acting as ſuch during the Time he ſhall hold any Place or Employment of Profit under this Act, or under the Truſtees acting in Execution thereof; and that no Perſon ſhall be capable of being appointed a Truſtee, or of acting as ſuch during the Time he ſhall keep a victualling Houſe, or other Houſe of public Entertainment, or who ſhall ſell Wine, Cyder, Beer, Ale, Spirituous or other ſtrong Liquors by Retail, or who ſhall be intereſted or concerned in any Contract under this Act, or who ſhall be a Leſſee or Farmer of the Tolls, or of any Part or Parts thereof under this Act; and if any Perſon or Perſons not being qualified as aforeſaid, or being diſqualified by any of the Cauſes aforeſaid, ſhall nevertheleſs act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, with full Coſts of Suit, by Action of Debt, or on the Caſe, or by Bill, Plaint, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than one Imparlance ſhall be allowed; and it ſhall be incumbent on the Perſon ſo ſued or proſecuted to prove that he is qualified, and not diſqualified by any of the Cauſes aforeſaid, or otherwiſe to pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings touching the Execution of this Act, which ſhall be done and performed by any ſuch Perſon, previous to his being convicted of the Offence before mentioned, ſhall be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act: Provided always, that no Mortgagee or Aſſignee of any Mortgage, or other Security, or any Lender of Money upon the Credit of the Tolls hereby granted, or receiving Intereſt thereout for the ſame, ſhall on that Account be deemed diſqualified to act as a Truſtee in the Execution of this Act: Provided alſo, that any Truſtee appointed, or to be appointed by or under this Act, who is or ſhall be a Juſtice of the Peace, may act as ſuch in the Execution of this Act, except only in Caſes in which he ſhall be perſonally intereſted, otherwiſe than as a Mortgagee of the Tolls granted by this Act.

Truſtees may act as Juſtices.

Truſtees' Meetings.

IX. And be it further enacted, That the ſaid Truſtees ſhall meet at the Houſe of *James Bell*, at *Crooklands*, in the ſaid County of *Weſtmorland*, on the Second *Tueſday* after the paſſing of this Act; and that the Clerk of the ſaid Road do affix Notice of the ſaid Meeting upon all

all the Turnpike Gates of the ſaid Road, and in the Public Newſpapers publiſhed in *Kendal* aforeſaid; and that the ſaid Truſtees ſhall then proceed to carry this Act into Execution; and that the ſaid Truſtees ſhall then, and from Time to Time afterwards, adjourn themſelves to meet at the ſame Houſe, or at ſuch other Houſe, upon or near ſome Part of the ſaid Road, and at ſuch Times as the ſaid Truſtees ſhall from Time to Time order and direct (provided that no Adjournment ſhall be made for longer than Three Calendar Months); and if at any Meeting appointed to be holden by virtue of this Act, there ſhall not appear a ſufficient Number of Truſtees to act, or to adjourn to another Day; or in caſe the Truſtees at any Meeting aſſembled ſhall not adjourn themſelves, the Clerk, as often as ſuch Caſe ſhall happen, in purſuance of an Order from Two or more Truſtees, by a Notice in Writing to be affixed upon the Turnpikes erected acroſs the ſaid Road, at leaſt Ten Days before the ſaid intended Meeting, appoint the Truſtees to meet at the Place where the laſt Meeting was appointed to have been holden, or at any other Place upon or near the ſaid Road, on the Day Sevennight after the Day on which ſuch laſt Meeting was appointed; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting, upon any Queſtion, (including the Vote of the Chairman,) then and in every ſuch Caſe the Chairman ſhall have, and he is hereby empowered to give the deciſive or caſting Vote.

Quorum of Truſtees.

X. And be it further enacted, That all Acts, Proceedings, Matters, and Things relative to the Execution of this Act, may be done and executed by the Majority of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid, preſent at their reſpective Meetings, (the whole Number preſent not being leſs than Five,) and all Acts, Matters, and Things ſo done by any ſuch Majority, ſhall be as valid and effectual as if the ſame had been done by all the Truſtees herein named or to be appointed, except only in the Caſes herein particularly directed to be done and executed by any greater or leſs Number of them.

Meetings on Emergencies.

XI. And be it further enacted, That if after any Adjournment of the ſaid Truſtees, it ſhall at any Time be thought neceſſary that an earlier Day of Meeting ſhould be appointed than the Day appointed by ſuch Adjournment, in that Caſe the Clerk to the ſaid Truſtees, upon an Order in Writing, ſigned by any Three or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſe 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 Meeting not being leſs than Ten Days after ſuch Notice,) and ſuch earlier Meeting ſhall and may be held accordingly; and all the Orders and Determinations of the ſaid Truſtees at all ſuch Meetings ſhall be as valid and effectual as they would have been in caſe ſuch Meetings had been held in purſuance of Adjournments; and no Order, Agreement, or Determination of the ſaid Truſtees ſhall be revoked or altered at any ſubſequent Meeting, unleſs ſpecial Notice ſhall be given at leaſt Ten Days before, in the Manner hereinbefore directed, nor unleſs a greater Number of the Truſtees ſhall concur in the Revocation or Alteration thereof than concurred in the making

Truſtees to pay their own Expences.

making of any ſuch Order, Agreement, or Determination; and the ſaid Truſtees, at all their Meetings, ſhall defray their own Expences.

For appointing Clerks, Treaſurers, and other Officers.

XII. And be it further enacted, That the ſaid Truſtees may, and they are hereby empowered, from Time to Time, by Writing under their Hands, to appoint One or more Collector or Collectors of the ſaid Tolls, and Clerk or Clerks, Treaſurer or Treaſurers, Surveyor or Surveyors, of the ſaid Road, and ſuch other Officers as they the ſaid Truſtees ſhall think neceſſary, and from Time to Time to remove ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any of them; and on the Removal, Death, or Reſignation of any ſuch Collectors, Clerks, Treaſurers, Surveyors, or other Officers, to appoint others in their Stead, and may, and are hereby authorized and empowered, out of any of the Monies ariſing by virtue of this Act, to allow and pay to the ſeveral Collectors, Clerks, Treaſurers, Surveyors, and other Officers, and to ſuch other Perſon or Perſons as ſhall be aſſiſting them, or any of them, in or about the Execution of this Act, ſuch Salaries, Rewards, and Allowances, for their Attendance, Care, Labour, and Services, as the ſaid Truſtees ſhall deem reaſonable; and all ſuch Officers and Perſons ſhall from Time to Time, when thereunto required by the ſaid Truſtees, deliver to ſuch Truſtees, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, true, exact, and perfect Accounts, in Writing under their reſpective Hands, of all Monies which they and every of them reſpectively ſhall have received, to that Time, by virtue of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their or any of their Hands, to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, and not otherwiſe; and if any ſuch Officer or Perſon ſhall refuſe or neglect to produce or deliver up ſuch Vouchers relating to the ſame, or ſhall refuſe or neglect to pay the Money due on ſuch Account in Manner aforeſaid, or if any ſuch Officer or Perſon ſhall refuſe or neglect to deliver up to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, within Three Days after being thereunto required by the ſaid Truſtees, all the Books, Papers, and Writings, in his Cuſtody or Power, relating to the Execution of this Act, then, in every or any of the ſaid Caſes, it ſhall be lawful for any Two or more Juſtices of the Peace for the County, Town, or Place, wherein ſuch Officer or Perſon ſo refuſing or neglecting ſhall be or reſide, upon Complaint made to them by Two or more of the ſaid Truſtees; and ſuch Juſtices are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before them; and upon his, her, or their appearing, or not being found, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced; and if, upon the Confeſſion of the Officer or Officers, Perſon or Perſons, againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any Witneſs or Witneſſes, (which Oath or Oaths ſuch Juſtices are hereby empowered and required to adminiſter,) or upon Inſpection of the ſaid Accounts, if produced, it ſhall appear to ſuch Juſtices that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtices may, and they are hereby authorized and required,

Proceedings againſt Officers neglecting to account.

upon

upon Non-payment thereof, by Warrant or Warrants under their Hands and Seals, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, or if ſuch Officer or Officers, or other Perſon or Perſons, ſhall not appear before the ſaid Juſtices, unleſs for ſome ſufficient Excuſe alleged, at the Time and Place by them appointed for that Purpoſe, or if appearing, ſhall refuſe or neglect to give and deliver to ſuch Juſtices an Account or Accounts of all Receipts and Payments as aforeſaid, or to produce and deliver up to the ſaid Juſtices the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings, in his, her, or their Cuſtody or Power, relating to the Execution of this Act, or to the ſaid Road, then, and in either of the Caſes aforeſaid, ſuch Juſtices may, and they are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol or Houſe of Correction of the County, Town, or Place, where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize, until he ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with the ſaid Truſtees, and ſhall have paid ſuch Compoſition in ſuch Manner as the ſaid Truſtees ſhall appoint, (which Compoſition the ſaid Truſtees are hereby empowered to make,) or until he ſhall have delivered up ſuch Books, Papers, and Writings as aforeſaid, or made Satisfaction in reſpect thereof, to the ſaid Truſtees: Provided always, that no Perſon who ſhall be ſo committed for want of ſufficient Diſtreſs ſhall be detained in Priſon by virtue of this Act for a longer Space of Time than Six Calendar Months.

Old Officers may continue till others appointed.

XIII. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers nominated and appointed under or by virtue of the ſaid Acts hereby repealed, or any of them, ſhall hold and enjoy their ſeveral and reſpective Offices and Employments, until he or they ſhall be removed therefrom reſpectively by the ſaid Truſtees; and every ſuch Clerk, Collector, Surveyor, or other Officer or Officers, ſhall have the like Powers and Authorities for carrying this Act into Execution, and ſhall be ſubject and liable to ſuch 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 nominated or appointed under or by virtue of this Act.

Treaſurers, &c. to give Security.

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

Truſtees may appoint temporary Collectors.

XV. And be it further enacted, That upon the Death, Incapacity, Abſconding, Miſbehaving, or Abſence, of any Collector or Receiver of Tolls, it ſhall and may be lawful for any Two or more of the Truſtees, though

though not assembled at any Meeting of the said Trustees, to be held in pursuance of this Act, by Writing under their Hands, to discharge such Collector or Receiver who shall abscond, misbehave, or become incapable, or absent himself, as aforesaid, and to nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue in the Stead of such Collector or Receiver so dying or being discharged; and the Person so 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 so die, or be discharged, would have had or been subject to, until the said Trustees, or any Three or more of them, shall, at a Meeting to be holden by virtue of this Act, appoint a Collector of the said Tolls; and if any Collector or Receiver of the said Tolls, who shall be discharged from his said Office by the said Trustees, or the Wife or Widow, or any of the Children, Family, or Representatives of any Collector or Receiver who shall die, abscond, absent himself, or be discharged, or any other Person or Persons having the Possession of any Toll House or Building, to be erected or continued by virtue of this Act, shall neglect or refuse to deliver up such Possession, for the Space of Fourteen Days after Demand thereof made, and Notice in Writing given for that Purpose by the said Trustees, or by their Clerk or Treasurer, then and in any of the said Cases it shall and may be lawful for any Justice or Justices of the Peace for the said Counties of *Westmorland* or *Lancaster*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer for the same Counties, with such Assistance as shall be necessary, to enter such House or Building in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and to put the said Trustees, or any Person appointed by any Two or more of them, in Possession thereof.

Orders and Proceedings to be entered in a Book.

XVI. And be it further enacted, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books, to be kept by the Clerk to the said Trustees for that Purpose, and be signed by the Trustees present at the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had, or the major Part of such Trustees, or by their Chairman, and that such Book or Books shall be open at all seasonable Times to the Inspection of any of the Trustees appointed or to be appointed by or under this Act, without Fee or Reward; and such Orders and Proceedings, so entered and signed by such Number of the said Trustees as are empowered by this Act to make such Orders, or carry on such Proceedings, or by the Chairman at any Meeting at which a sufficient Number of the said Trustees attended to make such Orders or carry on such Proceedings shall be deemed and taken to be original Orders and Proceedings, which said Book or Books, as well as the Book or Books in which the Oath or Affirmation hereinbefore directed to be taken by the said Trustees shall be entered, and also the Book or Books directed to be kept for registering the Mortgages and Assignments hereinafter mentioned; and all Entries in such Books respectively shall and may be read in Evidence in all Courts whatsoever in all Cases of Appeal, and in all Prosecutions, Suits, and Actions, touching any Thing done or to be done by virtue or in pursuance of this Act.

XVII. And

Books, &c. relative to former Acts to be delivered to Truſtees.

XVII. And be it further enacted, That all Perſons who are or have been employed, or who have received or ſhall receive any Tolls or other Money by virtue or on Account of the ſaid Acts hereby repealed, or who have or ſhall have in their Cuſtody or Poſſeſſion any Money, Books, Accounts, Papers, Writings, or any Things relating to the ſaid Roads, by the ſame Acts directed to be improved and repaired, ſhall account for and pay, and deliver over the ſame and every Part thereof to the Truſtees hereby appointed, in like Manner, and under the like Penalties, as the ſeveral Collectors, and other Perſons receiving any Money by virtue of this Act, are hereinbefore required to pay or account for the ſame.

Accounts to be kept of Receipts and Diſburſements, which ſhall be open to the Inſpection of Truſtees and Creditors.

XVIII. And be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required, from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter, or cauſe to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on Account of the ſaid Turnpike Road, and of the ſeveral Articles, Matters, and Things, for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid, which Book or Books ſhall, at all ſeaſonable Times, be open to the Inſpection of the ſaid Truſtees, or any of them, and any Creditor or Creditors on the Tolls hereby granted, without Fee or Reward; and the ſaid Truſtees and Creditors ſhall and may take Copies of, or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees, or ſuch Creditors, or any of them, to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Treaſurer and Clerk not to be the ſame Perſon.

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

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

XX. And be it further enacted, That the Truſtees appointed, or to be appointed, by or under this Act, may ſue and be ſued in the Name of their Clerk for the Time being, and that no Action which ſhall be brought or commenced by the Direction of or againſt the ſaid Truſtees, or any of them, by virtue or on Account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death, Incapacity, or Removal, of any ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or Three of them at the leaſt, at a Public

Meeting

Meeting to be held for that Purpoſe; but the Clerk to the ſaid Truſtees for the Time being ſhall be deemed to be Plaintiff or Defendant as the Caſe may be, in every ſuch Action: Provided always, that every ſuch Clerk, in whoſe Name any Action or Suit ſhall be commenced, proſecuted, or defended, in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put unto, or become chargeable with, by reaſon of his being made Plaintiff or Defendant therein, as aforeſaid.

For continuing or erecting Turnpikes.

XXI. And be it further enacted, That the ſaid Truſtees, or ſuch other Perſon or Perſons as they ſhall appoint, ſhall and may continue, erect, and ſet up, or otherwiſe provide Three Toll Gates or Turnpikes in, upon, or acroſs the ſaid Road, at or in ſuch Places or Situations at which the ſame are now ſet up or placed, or at ſuch other Places or Situations as they the ſaid Truſtees ſhall at any of their Meetings order and direct; provided that no more than One Gate ſhall ſtand or at any Time be erected between the Town of *Kirkby Lonſdale* and *Kirkby Kendal*, upon that Part of the ſaid Road called the *Keighley* and *Kendal* Road, nor more than One Gate between *Kirkby Lonſdale* and *Milnthorp* aforeſaid, nor more than One Gate upon that Part of the ſaid Road which leads from *Kirkby Lonſdale* to *Ingleton*; and ſuch laſt-mentioned Gate ſhall not be erected nearer the ſaid Town of *Kirkby Lonſdale* than the Place upon the ſaid Road where the Counties of *Lancaſter* and *Weſtmorland* divide; and alſo that they the ſaid Truſtees ſhall and may continue or erect ſuch and ſo many Toll Gates or Turnpikes on the Sides of the ſaid Road, and in, upon, or acroſs any Lane or Bye-Way that doth or ſhall lead into or out of the ſame as are now placed or ſet up in or acroſs the ſame, and as the ſaid Truſtees may at any Time hereafter, during the Continuance of this Act, think proper to place or ſet up in or acroſs the ſame, and alſo ſhall and may continue, erect, and otherwiſe provide a Toll Houſe to each of the ſaid Toll Gates or Turnpikes, with ſuitable Buildings and other Conveniences thereto, and incloſe from the Sides of the ſaid Road, and purchaſe and take from the Fields or Incloſures adjoining or near to the Places where the ſaid Toll Houſes are or ſhall be erected, ſufficient and convenient Gardens for the ſame, and alſo ſuch and ſo many ſmall Pieces or Parcels of Ground as they the ſaid Truſtees may think proper and neceſſary for the Purpoſe of laying and breaking Stones upon, for the Repairs of the ſaid Road, not exceeding One-eighth Part of an Acre for each of the above Purpoſes, paying to the Lords of the Manors, or other Owners of ſuch Pieces or Parcels of Ground, who ſhall be willing to ſell the ſame, a reaſonable Compenſation; but nothing herein contained ſhall empower the ſaid Truſtees to take incloſed Lands for Gardens to any of the Toll Houſes now erected.

Veſting Property of Toll Houſes in Truſtees.

XXII. And be it further enacted, That the Right, Intereſt, and Property of and in all the Toll Gates or Turnpikes and Toll Houſes already erected, and which ſhall be erected and provided in purſuance of this Act, with the ſeveral Back-Buildings, Gardens, Pieces of Land, and other Conveniences and Appurtenances thereunto belonging reſpectively, and the Materials of which the ſame ſhall conſiſt, and of and in the Ground for laying and breaking Stones; and all Stones, Utenſils, Implements, Materials, Matters, and Things which ſhall be purchaſed or provided

vided for the Purpoſes of this Act, ſhall be veſted in the ſaid Truſtees, and they are hereby empowered to ſell, aſſign, transfer, apply, and diſpoſe of the ſame as they ſhall think fit, for the Benefit of the ſaid Road, and to bring or cauſe to be brought, any Action or Actions, or to prefer and proſecute any Indictment or Indictments againſt any Perſon or Perſons who ſhall dig up, break, pull down, ſteal, take, carry away, ſpoil, deſtroy, deface, obliterate, injure, or damage any of the ſaid Toll Gates, Turnpikes, or Toll Houſes, or any of the Buildings, Gardens, Grounds, or other Conveniences and Appurtenances thereunto belonging, or any of the Grounds, Mile-Stones, Implements, Materials, Matters, or Things as aforeſaid, or any Bridges, Wing Walls, Ramparts, Battlements, Walls, Hedges, or Fences, which ſhall be made and repaired by the ſaid Truſtees, or who ſhall do any Act to hinder or obſtruct any Perſon or Perſons employed by the ſaid Truſtees in the Execution of this Act; and in all ſuch Actions, and Bills of Indictment reſpectively, it ſhall be and be deemed ſufficient to ſtate generally that the Article or Articles, Thing or Things, for or in reſpect of which an Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Truſtees for maintaining and improving the Road to which ſuch Action or Indictment ſhall relate, without further Deſcription or Addition, and without ſpecifying the Name or Names of all or any of the ſaid Truſtees: Provided always, that when and ſo often as any Toll Houſe or Toll Houſes now or hereafter to be erected ſhall at any Time be diſcontinued to be uſed as a Toll Gate or Turnpike for the Purpoſes of this Act, then and in every ſuch Caſe the ſaid Truſtees ſhall and may ſell and convey ſuch Toll Houſe or Toll Houſes, with the Garden or Gardens, and other Conveniences and Appurtenances thereof; and that the ſame ſhall in the firſt Place be offered at a fair and reaſonable Price or Prices, in proportion to the Value of the Land adjoining thereto, to the Perſon or Perſons from whom the Site or Sites thereof was or were originally purchaſed, taken, and incloſed, his, her, or their Heirs or Aſſigns.

Truſtees may erect Lamps at the Toll Houſes.

XXIII. 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 they the ſaid Truſtees ſhall from Time to Time direct and appoint; and all Expences attending the providing ſuch 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 Lamps, or the Poſt Irons, or other Furniture thereof, or ſhall wilfully or 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 hereinafter directed to be recovered, and ſhall be paid to the Treaſurer to the ſaid Truſtees for the Uſe of the ſaid Road.

Tolls. XXIV. And be it alſo further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Perſon or Perſons to be appointed by virtue of this Act Collector or Collectors as aforeſaid, and they are hereby authorized and required to demand and take (ſubject to the Reſtriction hereinafter mentioned,) at each and every of the reſpective Toll Gates and Side Gates, which ſhall be continued or erected by virtue of this Act, in, upon, or acroſs the ſaid Turnpike Road, or any Lane or Highway leading into the ſame, the ſeveral Tolls hereinafter particularly mentioned, before any Horſe, Cattle, or Carriage, upon which any Toll is by this Act impoſed ſhall be permitted to paſs through the ſame; (that is to ſay),

For every Horſe, or other Beaſt of Draught, drawing any Coach, Chariot, Landau, Berlin, Chaiſe, Curricle; Calaſh, Hearſe, or other ſuch Carriage, with Four Wheels, the Sum of Four-pence Halfpenny:

For every Horſe, or other Beaſt of Draught, drawing any Chaiſe, Chair, or other ſuch Carriage, with Two Wheels, the Sum of Sixpence:

For every Horſe, Mule, or Aſs, laden or unladen, and not drawing, the Sum of Three Halfpence:

For every Horſe, or other Beaſt of Draught, drawing any Four-wheeled Waggon, Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling a Surface of that Breadth ſo flat or level as not to deviate more than Half an Inch from a flat Surface, the Sum of Two-pence Halfpenny:

For every Horſe, or other Beaſt of Draught, drawing any Wain, Cart, or other ſuch Carriage, with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Nine Inches, and rolling ſuch flat and level Surface as aforeſaid, the Sum of Two-pence Halfpenny:

For every Horſe, or other Beaſt of Draught, drawing any Waggon, Wain, Cart, or other ſuch Carriage, with Four Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, the Sum of Three-pence Halfpenny:

For every Horſe, or other Beaſt of Draught, drawing any Wain, Cart, or other ſuch Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth or Gauge of Six Inches, the Sum of Three-pence Halfpenny:

For every Horſe, or other Beaſt of Draught, drawing any Wain, Cart, or other ſuch Carriage, with Two Wheels, having the Sole or Bottom of the Fellies of the Wheels thereof of leſs Breadth or Gauge than Six Inches, the Sum of Three-pence:

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Sixpence *per* Score, and ſo in Proportion for a greater or leſs Number:

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Three-pence *per* Score, and ſo in Proportion for a greater or leſs Number.

Tolls veſted in Truſtees, XXV. And be it further enacted, That all and every the Tolls by this Act authorized to be taken, and all and every Sum and Sums of Money which ſhall ariſe and be produced therefrom, ſhall be veſted in the ſaid Truſtees for the Time being, and the ſame and every Part thereof ſhall be paid, applied, diſpoſed of, and aſſigned in ſuch Manner as is hereinafter mentioned;

mentioned; and if any Perſon or Perſons ſubject to the Payment of any of the ſaid Tolls ſhall, after Demand thereof made by the Perſon or Perſons ſo authorized to receive the ſame, neglect or refuſe the Payment thereof, or any Part or Parts thereof, it ſhall be lawful for the Perſon or Perſons ſo authorized to ſeize and diſtrain any Horſe or other Cattle, together with their Bridles, Saddles, Harneſs, or Accoutrements, or any Carriage, together with its Lading, upon which any Toll is by this Act impoſed, (but no ſuch Bridle, Saddle, Harneſs, or Accoutrements ſhall be ſo ſeized without detaining and ſeizing the Horſe or other Beaſt bearing the ſame,) or any of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch Diſtreſs and keeping the ſame, ſhall not be paid within the Space of Five Days after the Day of making ſuch Diſtreſs, the Perſon or Perſons ſo diſtraining ſhall and may, at any Time or Times thereafter, ſell the Horſe, Cattle, Beaſt, Carriage, Goods, and Chattels ſo diſtrained, and out of the Money which ſhall ariſe by ſuch Sale, pay ſuch Tolls, and all reaſonable Charges incurred by ſuch Diſtreſs and Sale, returning the Overplus of the Money which ſhall ariſe by ſuch Sale, and what ſhall remain unſold, (if any) upon Demand, to the Owner or Owners thereof. and may be levied by Diſtreſs.

XXVI. Provided always, and be it enacted, That nothing herein contained ſhall authorize the ſaid Truſtees to demand or take for any Waggon, Wain, Cart, or other ſuch Carriage, going empty for or returning laden with Coals, Cinders, or Culm only, and for the Horſes, Oxen, or other Beaſts drawing the ſame reſpectively, any greater Toll or Duty than One-half Part of the ſeveral and reſpective Tolls hereinbefore granted or made payable for or in reſpect of Waggons, Wains, Carts, or other ſuch Carriages, regard being had to the Breadth or Gauge and Flatneſs of the Soles or Bottoms of the Fellies of the Wheels thereof, and to the Number of Horſes, Oxen, or other Beaſts drawing the ſame reſpectively. Carriages laden with Coals to pay Half-Toll.

XXVII. And be it further enacted, That in caſe any Poſt Chaiſe or other Carriage travelling for Hire from Poſt to Poſt ſhall on the ſame Day (to be computed as herein directed) return through any Gate or Turnpike erected by virtue of this Act, at which any Toll ſhall be payable, and ſhall deliver to the Gate Keeper the Stamp-Office Ticket as required by Law, then ſuch Poſt Chaiſe or other Carriage as aforeſaid ſhall be liable to pay Toll in ſuch and the like Manner as if ſuch Chaiſe or Carriage had not before paſſed through any Gate or Turnpike erected on the ſaid Road. Poſt Chaiſes to pay each Time of delivering the Stamp Office Ticket.

XXVIII. And be it further enacted, That all Waggons, Carts, and other Carriages, having the Wheels of the Width and Deſcription and the Axletrees fixed as mentioned and ſet forth in and by an Act made in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act to enable the Truſtees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weight in certain Caſes*, ſhall be entitled to an Abatement of One-fourth Part of the Tolls hereby granted, and to all the other Privileges and Exemptions granted by the ſaid Act. Waggons with Wheels as directed by 55 G. 3. to pay One-fourth leſs Toll.

XXIX. And be it further enacted, That no Perſon or Perſons ſhall be liable to pay Toll more than once in reſpect of the ſame Horſes, Cattle, or Carriages paſſing and repaſſing through any Toll Gate or Side Tolls to be paid but once a Day.

Side Gate any Time or Times in the ſame Day, (to be computed from Twelve of the Clock at Night until Twelve of the Clock the ſucceeding Night,) and that no Perſon or Perſons ſhall be liable to pay Toll more than Once within the Space of Twenty-four Hours, in reſpect of the ſame Horſes, Cattle, or Carriages, going unloaded for, or returning loaden with Coals through the ſaid Toll Gates, at any Time or Times within the ſame Space of Time, but that all and every Perſon and Perſons having paid Toll once as aforeſaid, and producing a Ticket denoting Payment of ſuch Toll, (which Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll,) ſhall afterwards paſs and repaſs with the ſame Horſes, Cattle, Beaſts, and Carriages Toll free during the ſame Day or Space of Twenty-four Hours as aforeſaid: Provided always, that no Horſe or other Beaſt paſſing on the ſame Day (to be computed as aforeſaid) the whole Length of the ſaid Road ſhall be charged or chargeable with or liable to pay the Tolls hereby granted, at more than Three Toll Gates.

Tickets to be printed.

XXX. And be it further enacted, That upon Payment of any of the Tolls by this Act authorized to be taken on the ſaid Road the Collector or Receiver ſhall and he is hereby required to deliver gratis to the Perſon paying ſuch Toll a Note or Ticket denoting ſuch Payment, which Notes or Tickets ſhall be provided by the ſaid Truſtees or their Leſſees, and there ſhall be printed and ſpecified thereon the Name of the Gate or Gates which ſuch Ticket ſhall free.

Toll Collectors to put up their Names, &c.

XXXI. And be it further enacted, That all and every Toll Collector appointed either by the Truſtees for executing this Act, or by any Leſſee or Leſſees under them, to collect the Tolls payable at any Turnpike or Toll Gate erected by virtue of the ſaid Acts or 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, each of the Letters of ſuch Name or Names to be at leaſt Two Inches in Length, and of a Breadth in proportion, and painted in White Letters on a Black Ground, or Black Letters on a White Ground, and ſhall continue the ſame ſo placed during the whole Time he ſhall be upon ſuch Duty; and if any Collector of the 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 or 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 denoting the Payment of the Toll, and naming and ſpecifying the ſeveral Gates to be freed by ſuch Payment, or ſhall make Uſe of any ſcurrilous or blaſphemous Language to any Perſon or Perſons travelling upon the ſaid Roads, 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 Forty Shillings 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 the said first recited Act directed to be recovered and applied.

Exemptions from Toll.

XXXII. Provided always, and it is hereby further enacted, That none of the Tolls hereby granted or authorized to be taken shall be demanded taken, or received at any of the Toll Gates erected or to be erected and continued upon the said Road, or any Road or Way leading out of or from the same, for or in respect of any Horse or Carriage belonging to His Majesty or any of the Royal Family, or any Horse or Carriage attending His Majesty or any of the Royal Family, or in respect of any Horse, Beast, Cart, or other Carriage, when employed in carrying or conveying Stones, Lime, Gravel, Sand, or other Materials for repairing the said Road, or any Culvert Bridge or Rampart therein or thereon, or any Highway in any of the Townships through which the said Roads do or may lead, or in any of the adjoining Townships, or in carrying or conveying any Earth, Soil, or Sand which shall have been collected or scraped off any of the said Roads, or in carrying or conveying any newly made or gotten Hay or Clover, or newly reaped Corn in the Straw, Beans, Peas, Vetches, Turnips, Potatoes, or other Produce of Lands to be laid up and used in the Houses, Outhouses, or Barns of the Owners or Occupiers thereof, and not for Sale or to be exposed for Sale, or to be delivered in pursuance or Performance of any Sale, or being unladen when so employed, or for or in respect of any Ploughs, Harrows, or other Implements of Husbandry, or for or in respect of any Carts, Waggons, or other Carriages employed in carrying or conveying any Lime, Dung, Mould, Compost, or Manure to be employed in Husbandry for Manure of Lands, or returning from carrying or conveying the same; nor shall any of the said Tolls be taken of any Person residing in any Parish, Townships, or Hamlet through which the said Road, or any Part thereof, does or shall lead, who shall pass through any Turnpike to or from his, her, or their proper Parochial Church, Chapel, or other Place of religious Worship, tolerated by Law, on *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated, or when attending the Funeral of any Person who shall be buried in any such Parish, Townships, or Hamlet, nor of any Clergyman going to or returning from visiting any sick Person at any Time, or upon other his Parochial or Ministerial Duty, or for or in respect of any Horses or Cattle going to or returning from Plough, Water, or Pasture within the several Townships or Hamlets to which they shall belong, or of any of the neighbouring Townships or Hamlets; provided that such last-mentioned Exemption as to Horses or Cattle going to or returning from Water or Pasture shall only extend to such Horses or Cattle as shall be driven to or from Water or Pasture, and shall not pass upon the said Road more than One Mile in going to or returning from Water or Pasture, or for or in respect of the Horses or Cattle of any Inhabitant of any of the said Townships or Hamlets going to be shod or farried, or returning therefrom without Saddle or Harness, and not passing upon the said Road more than One Mile before such Horse or other Cattle shall arrive at such Gate; nor for any Horse, Cattle, or Carriage, of whatever Description, employed or to be employed in conveying the Mails of Letters and Ex-

preſſes, under the Authority of His Majeſty's Poſtmaſter-General, either when employed in conveying, fetching, or guarding ſuch Mails or Expreſſes, or in returning back from conveying the ſame, or for any Horſe, Cattle, or Beaſt attending any Soldiers on their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; 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; nor for any Horſe, Cattle, or Beaſt carrying or conveying any Perſon or Perſons going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the Counties of *Lancaſter* or *Weſtmorland*, on the Day or Days of ſuch Election, or on the Day before or Day after ſuch Election ſhall begin or be concluded; and that no Tolls ſhall be demanded or taken for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for or on the Days of Exerciſe, provided that ſuch Perſons ſhall 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 as aforeſaid; nor ſhall any Toll or Duty be demanded or taken for any Carriage, Horſe, or Beaſt, which ſhall not paſs above One hundred Yards thereon; nor for any Horſes, Carts, or Waggons, travelling with Vagrants ſent by legal Paſſes, and returning therefrom; and if any Perſon ſhall claim and take the Benefit of any of the Exemptions granted by this Act, not being entitled to the ſame, or if any Perſon, being ſo entitled, ſhall fraudulently and colluſively extend the ſame to or for the Benefit of any Perſon or Perſons not entitled thereto, every Perſon ſo offending, and being lawfully convicted thereof, ſhall forfeit and pay any Sum not exceeding Five Pounds, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted; and in all Caſes the Proof of Exemption ſhall lie upon and be adduced by the Perſon claiming the ſame.

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

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

For ſettling Diſputes concerning Tolls.

XXXIV. And be it further enacted, That if any Diſpute ſhall happen concerning any Toll due, or the Charges occaſioned by any Diſtreſs to be taken by virtue of this Act, it ſhall be lawful for the Perſon diſtraining, to

to retain such Distress, or the Money arising from the Sale thereof, till the Amount of the Tolls and the Charges of such Distress shall be ascertained by some Justice of the Peace for the Counties of *Westmorland* or *Lancaster*, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or of a Witness or Witnesses, and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party, as he the said Justice shall think proper, all which Costs and Charges shall and may be forthwith levied and recovered in case of Non-payment thereof, on the Goods and Chattels of the Person or Persons from whom the same shall be due, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Collectors 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 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 so appointed or interested under such Appointment, or being paid to collect the Tolls, or being acting or paid to act under the Authority of the said Trustees.

Trustees may compound.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, from Time to Time, to compound with any Person or Persons for any Period of Time not exceeding Twelve Calendar Months, for any Horses, Cattle, or Carriages passing and repassing on the said Road, or any Part or Parts thereof, for all or any of the Tolls to be paid in respect thereof; and all such Composition Money shall be paid in advance Quarterly, or otherwise as the said Trustees shall appoint, or in Default thereof every such Composition to be null and void to all Intents and Purposes.

Penalty on evading Tolls.

XXXVII. And be it further enacted, That if any Person shall, with any Horse, Cattle, Beast, or Carriage, go or pass into the said Road through or over any Land or Ground adjoining thereto (not being a Public Highway, and such Person not being the Owner or Occupier, or Servant, or one of the Family of the Owner or Occupier of such Land or Ground) with an Intent to evade the Payment of any of the Tolls by this Act granted; or if any Owner or Occupier of any such Land or Ground shall knowingly or willingly permit or suffer any Person (except as aforesaid) with any Horse, Cattle, Beast, or Carriage whatsoever, to go or pass through or over such Land or Ground, with Intent to evade any of the said Tolls; or if any Person shall give to or receive from any Person, other than the Collectors of the said Tolls, or forge, counterfeit, or alter, any Note or Ticket by this Act directed to be given, with Intent to evade the Payment of the said Tolls or any Part thereof; or if any Person shall forcibly pass through any such Toll Gate with any Horse, Cattle, Beast, or Carriage; or shall unload, or cause to be unloaded, any Goods, Wares, or Merchandize, or take off, or cause to be taken off, any Horse or other Beast or Cattle from any Carriage either before or after having passed through any Toll Gate, or having passed through any Toll Gate, shall afterwards add or put any

Horse

Horſe or other Beaſt to any ſuch Carriage, and draw therewith, upon any Part of the ſaid Road, ſo as to increaſe the Number of Horſes or other Beaſts drawing the ſaid Carriage, after the ſame ſhall have paſſed through the ſaid Toll Gate, whereby the Payment of all or any of the ſaid Tolls ſhall or may be evaded; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

Power to leaſe Tolls.

XXXVIII. And be it further enacted, That the ſaid Truſtees ſhall be, and are hereby empowered, after giving Twenty Days' Notice thereof in one of the public Newſpapers of the ſaid Counties of *Weſtmorland* and *Lancaſter*, and alſo in Writing to be affixed on the Toll Gate, or reſpective Toll Gates, the Tolls whereof ſhall be intended to be leaſed, from Time to Time to leaſe and demiſe the Tolls granted by this Act, or any Part or Parts of ſuch Tolls, by Public Auction, for any Term not exceeding Three Years at a Time, for the beſt Price that can be gotten for the ſame; and to put up and offer the ſaid Tolls to be let at ſuch annual Sum or Sums of Money, and under ſuch Conditions, Covenants, Reſervations, and Agreements, as they the ſaid Truſtees ſhall think fit, taking ſuch Security for the Payment of ſuch Rents and Performance of the Covenants to be compriſed in ſuch Leaſe or Leaſes as the ſaid Truſtees ſhall think fit, and the Money ariſing thereby ſhall be applied in ſuch Manner as the Tolls ſo leaſed are by this Act directed to be applied; and if the ſaid Truſtees, at any Meeting for letting the ſaid Tolls, ſhall be of Opinion that a Combination exiſts among the Bidders to undervalue the ſame, they may proceed in ſuch letting in ſuch Manner as they ſhall think moſt likely to create a real and *bonâ fide* and advantageous Competition for the ſame; and at all ſuch Lettings the Truſtees ſhall have, or be entitled to Two or more Biddings for the ſaid Tolls, either by themſelves or their Clerk or Treaſurer, or other Perſon by them authorized, any Law or Statute to the contrary notwithſtanding.

For ejecting Leſſees of Tolls.

XXXIX. And be it further enacted, That in caſe all or any of the ſaid Tolls ſhall be demiſed or let to Farm, or agreed to be demiſed or let to Farm to any Perſon or Perſons in any Manner whatſoever, and the Leſſee or Leſſees, Farmer or Farmers thereof, ſhall neglect or refuſe to perform the Terms and Conditions on which the ſame ſhall be ſo demiſed, or let or agreed to be demiſed or let, or in caſe the Rent or Rents agreed to be paid by ſuch Leſſee or Leſſees, Farmer or Farmers, ſhall be in Arrear, by the Space of Fourteen Days next after any of the Days on which the ſame ought to be paid, purſuant to the Agreement for demiſing or letting thereof; then and in either of thoſe Caſes it ſhall be lawful for any Juſtice of the Peace, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer of the Townſhip or Diſtrict within which the Toll Houſe ſhall be ſituate, with ſuch Aſſiſtance as ſhall be neceſſary; and they are hereby empowered to put the ſaid Truſtees, or any Perſon or Perſons appointed by them, in the Poſſeſſion of any Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the ſaid Toll Houſe, from the Poſſeſſion thereof, and from the Collection of ſuch Tolls, and that thereupon it ſhall be lawful for the ſaid Truſtees (if they ſhall think fit) to vacate or determine the Leaſe demiſing ſuch Tolls, or the Contract or Agreement for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer or

or Farmers, and the ſame ſhall be utterly void to all Intents and Purpoſes, (ſave as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reſerved, or other unperformed or broken Covenants and Agreements on the part of the Leſſees,) as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees in every ſuch Caſe to demiſe or let to Farm the ſaid Tolls again to any other Perſon or Perſons, or cauſe them to be collected, as if no former Demiſe, Contract, or Agreement had been made relative thereto.

Penalty on Leſſees compounding for overweighted Carriages.

XL. And be it further enacted, That if the Leſſee or Farmer for the Time being of any of the Tolls hereby granted, or any Perſon acting under him, or any Perſon having the Care of any Weighing Machine which ſhall be erected on or adjoining to the ſaid Road, ſhall, without the Concurrence of the Truſtees acting in the Execution of this Act, compound for or agree to permit or ſhall ſuffer any overweighted Waggon or other Carriage, ſubject to any Increaſe of Toll, or to any Forfeiture or Penalty by reaſon of the Weight thereof, to paſs or repaſs through any of the Toll Gates to be erected or continued by virtue hereof, without demanding, taking, and keeping the full Increaſe of Toll, Fine, or Penalty by Law due in reſpect of or inflicted upon ſuch overweighed Waggon or other Carriage, ſuch Leſſee or Farmer, or other Perſon, ſhall, for every ſuch Offence, forfeit the Sum of Five Pounds, whereof one Moiety ſhall go to the Informer and the other Moiety ſhall be applied in ſuch Manner as other Penalties are hereinafter directed to be applied.

Truſtees may borrow Money.

XLI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, at any of their Meetings to be held in purſuance of this Act, to borrow and take up at Intereſt upon the Credit of the Tolls to ariſe by virtue of this Act, in ſuch Manner as they ſhall think proper, any Sum or Sums of Money they ſhall think proper to borrow for all or any of the Purpoſes of this Act during the Continuance thereof, giving Twenty-one Days previous Notice thereof in Writing, to be affixed on all the Toll Gates or Turnpikes then erected acroſs the ſaid Road; and they the ſaid Truſtees are hereby empowered, from Time to Time, at any of their Meetings, by any Writing or Writings under their Hands, to aſſign over or mortgage the Tolls or Duties hereby granted and to ariſe, or any Part or Proportion, Parts or Proportions thereof during the Continuance of this Act, (the Charges of ſuch Aſſignments and Mortgages to be paid out of ſuch Tolls,) as a Security to any Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, his, her, or their Truſtee or Truſtees, their reſpective Executors, Adminiſtrators, and Aſſigns, for the Money ſo to be advanced, with ſuch lawful Intereſt for the ſame as ſhall be agreed upon in that Behalf; which Mortgage ſhall be in the Form or to the Effect following; (*videlicet*),

‘ BY virtue of an Act made and paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act,*] we, Seven of the Truſtees for executing the ſaid Act, in Conſideration of the Sum of this Day paid to the Treaſurer of the ſaid Road by , do aſſign, during the Continuance of the ſaid Act, unto the ſaid ſuch Proportion of the Tolls to ariſe upon the ſaid Road as the ſaid Sum of

‘ ſhall bear to the Whole of the Principal Money for the Time being due
‘ on the ſaid Security of the ſaid Tolls, to hold the ſame unto the ſaid
‘ , his Executors, Adminiſtrators, and Aſſigns,
‘ until the ſaid Sum of , with Intereſt, at the Rate
‘ of , ſhall be fully paid. Dated this Day
‘ of , in the Year of our Lord
‘ .’

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 of the ſaid Road, and which ſaid Book or Books ſhall and may at all reaſonable Times be peruſed and inſpected by any Perſon intereſted therein without Fee or Reward.

Aſſignment of Mortgages.

XLII. And be it further enacted, That all and every Perſon and Perſons to whom any ſuch Aſſignment or Aſſignments, Mortgage or Mortgages, or other Security or Securities of the ſaid Tolls ſhall be made as aforeſaid, or who ſhall be entitled to the ſame, is and are hereby empowered from Time to Time to aſſign over and transfer the ſame or any Share thereof, and all or any Part of the Monies due thereon, to any Perſon or Perſons whomſoever, by ſigning an Inſtrument to be annexed to ſuch Security, or by Indorſement on the ſame in the following Words, or Words to the like Effect; (*videlicet*),

‘ I *A. B.* of
‘ do hereby transfer the within Mortgage, bearing Date the
‘ Day of , on the Tolls ariſing on the Road from
‘ , to authorize to be made and kept in Repair by
‘ virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His
‘ Majeſty, intituled [,] and
‘ all my Right and Title to the Principal Money and Intereſt thereby
‘ ſecured unto of , his
‘ Executors, Adminiſtrators, and Aſſigns. Dated the
‘ Day of .’

Transfers to be entered by the Clerk.

Which Transfer ſhall be produced and notified to the ſaid Clerk, within Thirty Days next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof in the before-mentioned Book or Books, containing the Dates, Names of the Parties, and Sums of Money therein transferred, for which Entry the ſaid Clerk ſhall be paid the Sum of Five Shillings, and no more; and ſuch Transfer ſhall then entitle ſuch Aſſignee, his or her Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Mortgage Security, and Payment of the Principal and Intereſt thereby ſecured; and ſuch Aſſignee 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, his, her, or their reſpective Executors or Adminiſtrators) to make void, releaſe, or diſcharge the original Security, or the Monies due thereon, or any Part thereof.

Creditors to be equal.

XLIII. And be it further enacted, That all Perſons to whom any Mortgage or Security hath been made by virtue of the ſaid recited Acts, or any of them, on the ſaid *Lancaſter* and *Weſtmorland* Diſtrict of Road, and *Milnthorp* Road, and to whom any Mortgage or Security ſhall be made by virtue of this preſent Act, of the Tolls and Money ariſing or to ariſe

on the ſaid Road ſhall, in proportion to the Sums of Money thereby ſecured, be Creditors on the Tolls ariſing by virtue of this Act in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of having advanced their Monies, or of the Dates of their reſpective Securities.

Action of Ejectment may be ſupported by one Mortgagee.

XLIV. And be it further enacted, That if any Mortgagee or Mortgagees of the ſaid Tolls ſhall ſeek to obtain the Poſſeſſion of the ſaid Toll Gates, Toll Houſes and Buildings, in order to pay himſelf, herſelf, or themſelves, the Principal Money and Intereſt, or any Part thereof, due to him, her, or them, it ſhall be competent for him, her, or them, as Leſſor or Leſſors of the Plaintiff, and upon his, her, or their Demiſe only, and without uniting in ſuch Demiſe the other Mortgagees of the ſaid Tolls and Premiſes to obtain ſuch Poſſeſſion; but ſuch Perſon or Perſons who ſhall obtain the Poſſeſſion thereof, ſhall not apply the Tolls which may conſequently be received by him, her, or them, to his, her, or their own excluſive Uſe and Benefit, but to and for the Uſe and Benefit of all the Mortgagees of the ſaid Tolls, Toll Gates, Buildings, and Premiſes, *pari paſſu*, and in proportion to the ſeveral Sums which may be due to them as ſuch Mortgagees.

Application of the Tolls and Money borrowed.

XLV. And be it further enacted, That all the Monies which ſhall ariſe and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which ſhall from Time to Time be borrowed upon the Credit of the Tolls to be collected thereon, and all other Monies which ſhall ariſe or be produced under or by virtue of this Act, ſhall be applied and diſpoſed of by the ſaid Truſtees in Manner following; (that is to ſay,) in Payment of the Coſts, Charges, and Expences of obtaining and paſſing this Act, and in carrying the ſame into Execution, and in making, repairing, and amending the ſaid Road as aforeſaid, and in erecting Turnpikes and Toll Houſes thereupon, and for other Purpoſes from Time to Time relating to and attending the Execution of this Act, and in paying and keeping down the Intereſt of the Monies borrowed on the Credit of the ſaid Acts, and to be borrowed on the Credit of the Tolls hereby granted, and afterwards in paying off and diſcharging ſuch Principal Monies, and to and for no other Purpoſe whatſoever.

Power to enter Lands and make Road.

XLVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the ſaid Road hereby authorized to be made, paſſes or is intended to paſs, and to ſtake out and make the ſame of ſuch Width, (not exceeding Sixty Feet over any Commons or Waſte Grounds, and not exceeding Forty Feet over any other Lands or Grounds,) and in ſuch Manner as the ſaid Truſtees ſhall think neceſſary or proper, without being deemed a Treſpaſſer or Treſpaſſers, and without being ſubject or liable to any Fine, Penalty, or Puniſhment for entering or continuing upon any Part or Parts of ſuch Lands or Grounds reſpectively, for any of the Purpoſes of this Act, making Satisfaction to the Occupiers of ſuch Lands and Grounds for the Damage that ſhall be done to the Lands or Grounds on the Sides of the ſaid Road, whilſt the ſame ſhall be making; and if any

Perſon

Perſon ſhall wilfully pull up, remove, or deſtroy any of the Stakes or other Marks uſed in laying out or making any Part of ſuch Road, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Truſtees may make and divert the Road.

XLVII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered, to make and repair, and from Time to Time to widen, divert, ſhorten, vary, and alter, within the Diſtance hereinafter mentioned, the Courſe or Path of any Part or Parts of the ſaid Road through any Waſte Grounds, Commons, or uncultivated Lands, without making Satisfaction for the ſame; and alſo through any Private Grounds or Hereditaments, firſt making Satisfaction to the Owners thereof, and Perſons intereſted therein, for the Damages they ſhall 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 which the ſaid Truſtees ſhall judge neceſſary for the Purpoſes aforeſaid, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Road through ſuch Lands or Hereditaments; and it ſhall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, or Feoffées in Truſt, Committees Executors, Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Femes Covert, Infants, or Iſſue unborn, Lunatics, Idiots, or other Perſon or Perſons whomſoever; and to and for all other Femes Covert who are or ſhall be ſeiſed of or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeiſed, poſſeſſed, or intereſted in any ſuch Lands or Hereditaments, to contract and agree with the ſaid Truſtees for Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey unto them all or any 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 other Matter to the contrary notwithſtanding; and all ſuch Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or Leſſees for Years determinable on any Life or Lives, Huſbands, Guardians, Truſtees, Feoffees, Committees, Executors, Adminiſtrators, and all other Perſons, ſhall be and are hereby indemnified for what they or any of them ſhall lawfully do by virtue or in purſuance of this Act.

Deviations not to exceed One hundred Yards from the preſent Road without Conſent.

XLVIII. Provided always, and be it further enacted, That the ſaid Truſtees, in making, diverting, altering, improving, or widening any Part of the ſaid Road, under the Powers of this Act, ſhall not deviate more than One hundred Yards of Three Feet each from the preſent Line thereof, without the Conſent and Approbation in Writing of the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, through whoſe Lands or Grounds ſuch Deviation ſhall be made.

XLIX. Pro-

Trustees restrained from pulling down Dwelling Houses, &c.

XLIX. Provided also, and be it further enacted, That the Powers and Authorities hereby given shall not extend, or be construed to extend, to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Where Persons interested neglect or refuse to treat,

L. And be it further enacted, That if any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Committees, Executors, Administrators, or any other Person or Persons interested in any such Lands or Grounds, upon Notice to him, her, or them, given in Writing, or left at the Dwelling House or Houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of the Lands or Grounds so to be used or taken for the Purpose of making, widening, or improving the said Road, or any Part or Parts of such Road, shall, by the Space of Forty Days, after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence, shall be hindered from treating, then and in every such Case the said Trustees shall cause it to be enquired into, and ascertained by and on the Oaths of a Jury of Twelve indifferent Men of the County in which the Lands shall be situate, (which Oaths any Two or more of the said Trustees are hereby empowered and required to administer,) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, or other Person or Persons interested for, upon, or on account of the using and taking such Lands or Grounds for the Purposes of this Act; and in order thereto, the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever, who shall be thought necessary and proper to be examined as a Witness or Witnesses, touching and concerning the Premises, (which Oaths any Two or more of the said Trustees are hereby empowered to administer;) and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means as well for their own as the Juries better Information in the Premises, as the said Trustees shall think fit; and after the said Jury shall have enquired of, ascertained, and settled such Damage and Recompence, the said Trustees shall thereupon order, adjudge, and determine the said Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, or other Persons interested in the said Lands or Grounds, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever, claiming in Possession, in Fee, or in Tail, General or Special, Reversion, or Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, as well

Damages and Recompence to be ascertained by a Jury.

Witnesses to be examined on Oath.

Verdict of Jury to be final.

as all Perſons whomſoever, and all and every ſuch Owners, and all and every Perſon or Perſons any Ways intereſted in ſuch Lands or Grounds, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, or upon depoſiting the ſame in the Bank of *England*, in the Manner directed by this Act, as the Caſe may require, thereby be thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, or out of the ſame; and for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees are hereby empowered to iſſue their Warrant or Warrants to the Sheriff of the County in which ſuch Lands are ſituate, thereby commanding and requiring the ſaid Sheriff to impannel, ſummon, and return an indifferent Jury of Twenty-four Perſons, to appear before the ſaid Truſtees, at ſuch Time and Place as in ſuch Warrant ſhall be appointed, and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return ſuch Number accordingly; and out of the Perſons ſo impannelled, ſummoned, and returned, or out of ſuch of them as ſhall appear on ſuch Summons, the ſaid Truſtees ſhall ſwear, or cauſe to be ſworn Twelve, who ſhall be the Jury for the Purpoſes aforeſaid, and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend that Service, to 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, but ſhall not challenge the Array; and the ſaid Truſtees, acting in the Premiſes, ſhall have Power, from Time to Time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff or Sheriffs, or his or their Deputy or Deputies, Bailiffs, or Agents, making Default in the Premiſes, and on any of the Perſons that ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear without ſufficient Excuſe, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn, ſhall refuſe to give, or ſhall not give their Verdict, or in any other Manner ſhall wilfully neglect their Duty therein, 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, touching the Premiſes, ſhall refuſe or neglect to appear, having been paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, without ſufficient Excuſe, or appearing, ſhall refuſe to be ſworn and give Evidence, and from Time to Time, to levy and apply ſuch Fine or Fines in the ſame Manner as other Penalties, Forfeitures, and Fines are hereinafter directed to be levied and applied, ſo that ſuch Fines ſhall not exceed the Sum of Ten Pounds upon any ſuch Sheriff or his Deputy, and the Sum of Five Pounds upon any other of the Perſons aforeſaid, for any One Offence.

Jurors may be challenged, and Sheriff may be fined.

How Expences of Jury, &c. are to be paid.

LI. And be it further enacted, That in caſe any Jury ſhall give 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, before the ſummoning or returning of the Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Loſs or Damage as aforeſaid, then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall be borne and paid by the Treaſurer or Treaſurers to the ſaid Truſtees out of any

any Money arising or to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees, before the summoning and returning of such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Differences, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace within whose Jurisdiction such Difference shall arise, not interested in the Matter in Question, (who is hereby required to examine and settle the same,) 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 or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Treasurer to the said Trustees, by such Ways and Means as are hereinafter provided for the Recovery of Penalties and Forfeitures; provided that where, by reason of Absence, any Person or Persons shall have been prevented from treating with the said Trustees touching the Matters aforesaid, the whole of such Fees and Expences shall be paid by the said Trustees.

Money agreed upon or assessed for Lands, how to be charged and tendered.

LII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid by the said Trustees to the Parties or Persons respectively entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof in Manner aforesaid, or (in case of Refusal to accept the same, or the Parties not being so met with) upon depositing the same in the Bank of *England*, under the Direction of the Court of Chancery, in Manner by this Act directed, and after Fourteen Days Notice given to such Parties or Persons, or to his, her, or their Agent or Agents, or left at his, her, or their Place or Places of Abode, or with the Tenant in Possession of the Lands or Hereditaments so to be agreed for or purchased as aforesaid, such Lands or Hereditaments shall be used and taken for the Purposes of this Act, in such Manner as the said Trustees shall direct, and shall be sufficiently ditched and fenced off from the Lands adjoining thereto, and shall, to all Intents and Purposes, become and be deemed a common Highway, and shall thenceforth for ever be deemed as Part of the Road by this Act directed to be made, amended, and kept in Repair, and thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments.

Trustees empowered to sell Ground, &c. not wanted for the Purposes of the Act.

LIII. And whereas the Trustees for executing this Act may be seised of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Trustees, from Time to Time, to sell and dispose of such Piece or Pieces of Ground, together or in Parcels, either by public Sale or private Contract, (as they shall find most advantageous

vantageous and convenient,) to ſuch Perſon or Perſons as ſhall be willing to contract for and purchaſe the ſame.

Owners of the adjoining Land to have the firſt Offer.

LIV. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think proper to ſell and diſpoſe of any Piece or Pieces of Ground not wanted for the Purpoſe of this Act, and which is not by this Act directed to be otherwiſe diſpoſed of, they ſhall firſt offer the ſame for Sale to the Perſon or Perſons of whom the ſame ſhall have been purchaſed, or (in caſe ſuch Ground ſhall be a Piece or Pieces of the old Road) to the Perſon or Perſons whoſe Lands ſhall adjoin thereto; and if ſuch Perſon or Perſons reſpectively ſhall then and thereupon refuſe, or ſhall not agree (except with reſpect to or on Account of the Price thereof) to purchaſe the ſame reſpectively, an Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where the Lands ſhall be ſituate, who are hereby reſpectively empowered to take ſuch Affidavit, by ſome Perſon or Perſons no way intereſted in the ſaid Piece or Pieces of Ground, ſtating that ſuch Offer was made by or on the Behalf of the ſaid Truſtees, and that ſuch Offer was then and thereupon refuſed, or was not agreed to by the Perſon or Perſons to whom the ſame was made, ſhall, in all Courts whatſoever, be ſufficient Evidence and Proof that ſuch Offer was made, and refuſed, or not agreed to, 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 ſuch Piece or Pieces of Ground, and he, ſhe, or they, and the ſaid Truſtees ſhall differ or not agree with reſpect to the Price thereof, then the Price or Prices thereof ſhall be aſcertained by a Jury in Manner by this Act directed, with reſpect to 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 paid in like Manner as by this Act is directed, with reſpect to ſuch Purchaſes, made by the ſaid Truſtees *mutatis mutandis*, and the Money to ariſe by the Sale or Sales which may be made by the ſaid Truſtees, of ſuch Piece or Pieces of Ground as aforeſaid, 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 Nonapplication of ſuch Money.

Application of Compenſation Money if amounting to 200l.

LV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Perſon or Perſons, under any other Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed 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 applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order, made upon a Petition, to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge

charge 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, ſtanding ſettled therewith, to the ſame or the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments, which ſhall be purchaſed, taken, or uſed, as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance or Settlement ſhall be exiſting, undetermined, and capable of taking Effect; and in the meantime, and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the 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 meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities, ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo to be purchaſed under the Authority of this Act, in caſe ſuch Purchaſe or Settlement was made.

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

LVI. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two Hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being, be entitled to the Rents and Profits of the Lands, Tenements, or 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 by 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 to be placed to his Account as aforeſaid, in order to be applied in Manner hereinbefore 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 Truſtees for executing this Act (ſuch Nomination and Approbation to be ſignified by Writing under the Hands of the nominating and approving Parties), in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in Manner hereinbefore directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid High Court of Chancery.

Application of Compenſation Money where not more than 20l.

LVII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before-mentioned, ſhall not exceed 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, &c.

LVIII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be adjudged or awarded, by or for the Purchaſe of any Lands or Hereditaments to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Truſtees, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands or Hereditaments be not known or diſcovered, then and in every ſuch Caſe, it ſhall and may be lawful for the ſaid Truſtees to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to the Credit of the Parties intereſted in the ſaid Lands or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid High Court of Chancery, which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be, and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtates, Title, or Intereſt of the Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſame Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums is and are hereby required to give a Receipt or Receipts for the ſame, 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 into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to Money to be paid, the Perſon who ſhall be in Poſſeſſion at the Time of ſuch Purchaſe ſhall be deemed entitled thereto.

LIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, to be purchaſed in purſuance of this Act, 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 or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands or 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 Poſ-

ſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

LX. 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 this Act, the Purchaſe-Money for the ſame ſhall be required to be paid into the ſaid High Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid High Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to get Materials.

LXI. And be it further enacted, That it ſhall be lawful for the Surveyor or Surveyors employed by the ſaid Truſtees, and ſuch Perſon and Perſons as he or they ſhall appoint, to ſearch for, dig, take, and carry away any Materials proper for making, amending, diverting, altering, ſtraightening, improving, or repairing the ſaid Road, or for other the Purpoſes of this Act, out of any Waſte or Common Grounds, or out of any Common River, or Brook, (not being within the Diſtance of One Hundred Yards of any Bridge, Dam, Weir, or Jetty,) in any Pariſh in which any Part of the ſaid Road lies; or any adjoining Pariſh, without paying any Thing for ſuch Materials, and without being deemed a Treſpaſſer or Treſpaſſers, the ſaid Surveyor or Surveyors, or other Perſon or Perſons filling up, fencing, and levelling all ſuch Pits and Holes as ſhall be made or occaſioned by digging for, or taking away ſuch Materials, and making ſuch Allowance or Satisfaction to the Perſon through whoſe Lands or private Ways ſuch Materials ſhall be brought or carried, for the Damages done and occaſioned thereby, as the ſaid Truſtees ſhall judge fit and reaſonable; and in caſe ſufficient Materials cannot be conveniently gotten in ſuch Waſte or Common Grounds, Rivers, or Brooks as aforeſaid, it ſhall be lawful for ſuch Surveyor or Surveyors, and ſuch Perſon or Perſons as he or they ſhall appoint, may, by Order of any Two or more Juſtices of the Peace for the County in which the Lands ſhall be ſituated, to ſearch for, dig, take, and carry away any ſuch Materials out of the Land of any Perſon or Perſons (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Plantation or Nurſery for Trees) in any Pariſh in which any Part of the ſaid Road lies, making or tendering ſuch Satisfaction for ſuch Materials, and 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 judge reaſonable; and alſo to land on, and carry through or over any incloſed Lands or Grounds, (not being a Garden, Orchard, Yard, Paddock, Park, planted Walk, or Avenue to any Houſe, or any Piece of Ground planted and ſet apart as a Plantation or Nurſery for Trees), or on, through, or over any Open Land or Common, any Stone or other Materials for making or repairing the ſaid Road, or for building or repairing any

any preſent or future Toll Houſe or Toll Houſes, or Bridges, on or by the Side thereof, from any River, Stream, or Canal, in any Pariſh in which any Part of the ſaid Road lies, or in any adjoining Pariſh, paying or tendering for the Damage done in landing or going through or over any incloſed Lands or Grounds, for or with ſuch Materials, ſuch Sum or Sums as the ſaid Truſtees, or any Five or more of them, ſhall judge reaſonable; and in caſe of any Difference between ſuch Truſtees, Surveyors, or other Perſons appointed or employed as aforeſaid, and the Owners and Occupiers of ſuch Lands, or any of them, concerning ſuch Payments and Damages aforeſaid, any Two or more Juſtices of the Peace for the County where the Lands ſhall be ſituate, after Ten Days Notice in Writing, given by either Party to the other, ſhall hear, ſettle, and finally determine the Matter of ſuch Payments and Damages, and award ſuch Coſts to be paid by either Party as they ſhall think proper.

Notice to be given before Materials taken.

LXII. Provided always, and be it further enacted, That it ſhall not be lawful for any Surveyor or Surveyors, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any ſuch Materials, for any of the Purpoſes of this Act, out of, or from, any incloſed Land or Ground, until Ten Days' Notice in Writing, ſigned by ſuch Surveyor, ſhall have been given to the Owner or Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Owner or Occupier at his uſual Place of Abode, to appear before Two or more Juſtices of the Peace acting for the County, Town, or Place where ſuch Lands ſhall lie, to ſhew Cauſe why ſuch Materials ſhould not be had or taken from ſuch Lands or Grounds; and in caſe ſuch Owner or Occupier, or his Agent, ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe it ſhall be lawful for ſuch Juſtices, by their Order, to authorize ſuch Surveyor, or other Perſon or Perſons, to dig, get, gather, 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 his Agent, purſuant to ſuch Notice, ſuch Juſtices may make ſuch Order therein as they ſhall think proper, as fully and effectually, to all Intents and Purpoſes, as if ſuch Owner or Occupier, or his Agent, had attended.

Penalty on taking away Materials got by the Surveyor.

LXIII. And be it further enacted, That if any Perſon whatſoever ſhall take or carry away any Materials which ſhall have been dug or gathered for the Purpoſes of this Act, or ſhall get or take away any Materials out of, or otherwiſe interfere with or obſtruct the working of any Pit or Quarry which ſhall have been opened for the Purpoſe of getting Materials for making or repairing the ſaid Road, before the ſaid Surveyors or their Workmen ſhall have diſcontinued working therein for the Space of Twenty-one Days, (except the Owner or Occupier of the Land in which ſuch Pit or Quarry ſhall be made, to get Materials therein for his own private Uſe only, and not for Sale,) every Perſon ſo offending ſhall, for every ſuch Offence, forfeit any Sum not exceeding the Sum of Forty Shillings.

For removing Nuiſances and Annoyances.

LXIV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or their Surveyor or Surveyors, and ſuch Perſon or Perſons as they

they or he shall appoint, from Time to Time to remove and prevent all Nuisances and Annoyances, on any Part or Parts of the said Road, by Timber, Stone, Chalk, Carriages, Sawpits, or other Pits, Ashes, Dung, Water, Filth, or any other Matter or Thing whatsoever, being laid, sunk, or thrown, upon any Part of the said Road, or upon any Open Common or Waste Land within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Road, in case the Owner thereof shall neglect to remove the same for the Space of Three Days after Notice in Writing, signed by the Surveyor, given to such Owner for that Purpose; or in case the Owner is not known, then, after a like Notice affixed for Ten Days on the nearest Turnpike Gate; and to turn any Water-courses, Gutters, Sinks, or Drains, running into the same, to the Prejudice thereof, and to open, scour, cleanse, deepen, and enlarge, any Gutters, Ditches, Sinks, or Water-courses, adjoining or near to the said Road or any Part thereof; and if after the Removal of any such Nuisance or Annoyance as aforesaid, or Notice as aforesaid not to commit the same, any Person shall again offend in like Manner, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Hedges and Trees to be cut.

LXV. And be it further enacted, That the Owners and Occupiers of the Lands next adjoining to the said Road shall, and they are hereby required from Time to Time to cut, prune, and plash their Hedges, situate within the Distance of Thirty Feet from the Centre of the said Road, and to reduce the same to the Height of Four Feet, and also cut down, or prune and lop, at proper Seasons of the Year, any Branches, Shrubs, or Bushes, growing in or near such Hedges or other Fences, (except such Trees, Shrubs, or Bushes as shall be in any Garden, Orchard, Plantation, Walk, or Avenue to any House, or any Trees being an Ornament or Shelter to a House,) in such Manner that the said Road shall not be prejudiced thereby; and if any such Owners or Occupiers shall neglect or refuse so to do, after Ten Days Notice in Writing, given by the said Trustees, or their Surveyor or Surveyors, for that Purpose, it shall and may be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to cut, prune, and plash such Hedges, and reduce them to such Height as aforesaid, and to cut down, or prune and lop, such Branches, in Manner aforesaid; and the Charges and Expences of doing the same, to be settled by the said Trustees, shall be paid by such Owners or Occupiers, and shall be recovered and applied in such Manner as the Penalties and Forfeitures imposed by this Act are hereinafter directed to be recovered and applied.

Gates not to open inwards.

LXVI. And be it further enacted, That no Gate of any Park, Paddock, or Field, shall be made to open towards the said Road, or shall be suffered to continue so to open, unless the hanging Posts thereof shall be Thirty Feet at least from the Centre of the said Road; and the Occupier or Occupiers of every Park, Paddock, or Field, the Gate whereof shall open towards the said Road, shall, after Ten Days' Notice from the Surveyor or Surveyors of the said Road, cause such Gate to be altered in such a Manner as that no Part of the Gate, when open, shall project over any Part of the said Road; and in Default thereof, the said Surveyor or Surveyors is and are hereby authorized to cause such Gate to

be taken down and afterwards fixed up in the Manner hereinbefore directed; and the Perſon or Perſons making Default ſhall, upon Conviction thereof before any Juſtice of the Peace for the County where the Offence ſhall be committed, on the Oath of One credible Witneſs, pay to ſuch Surveyor or Surveyors ſuch Sum as the ſaid Juſtice ſhall direct, for defraying the Expence of ſuch Alteration, and ſhall alſo forfeit and pay any Sum not exceeding Forty Shillings, for his or their Default therein.

Power to make Cauſeways, Bridges, Drains, &c.

LXVII. And be it further enacted, That it ſhall and may be lawful for ſuch Surveyor and Surveyors, and ſuch other Perſon and Perſons as ſhall be appointed by the ſaid Truſtees, to make Footways, Footpaths, or Cauſeways, in or along the Sides of the ſaid Road, in ſuch Manner as they ſhall think proper; and to cut or make Drains or Watercourſes in and upon the ſaid Road, and alſo through any Ground lying contiguous or near thereto, and to erect, rebuild, and keep in Repair, the Bridges, Culverts, and Arches thereupon, and alſo to make Ditches or Trenches in ſuch Places, and in ſuch Manner as ſuch Surveyor and Surveyors, by order of the ſaid Truſtees, ſhall judge neceſſary; and to make ſufficient Fences, Barriers, and other Erections, on any Part or Parts of the ſaid Road, in order to prevent any Rivulet or Current of Water from flooding the ſame, as ſuch Surveyor or Surveyors ſhall judge neceſſary.

Roads to be meaſured, and Mile Stones ſet up.

Penalty on pulling up or damaging the ſame, and on Perſons injuring the Road, or committing Nuiſances thereon.

LXVIII. And be it further enacted, That the ſaid Truſtees ſhall cauſe the ſaid Road to be meaſured, and Mile Stones or Poſts to be placed in or near the Sides thereof, and ſhall alſo cauſe Direction Poſts to be erected upon ſuch Parts of the ſaid Road, where the ſame is croſſed or joined by other Roads, denoting the Number of Miles and Diſtance of Places, as they ſhall think proper; and if any Perſon or Perſons ſhall wilfully pull up or damage any Direction or Mile Poſt or Stone, erected or fixed, or to be erected or fixed, in or near the Side or Sides of the ſaid Road, or ſhall obliterate or deface any of the Letters, Figures, or Marks, inſcribed thereon; or if any Perſon or Perſons ſhall ſlaughter, burn, or dreſs any Animal on or adjoining the ſaid Road; or if any Perſon or Perſons ſhall leave or ſuffer any Horſe, Cattle, Sheep, Pig, or Beaſt, to graze or to be and remain looſe on the ſaid Road, or any Part thereof; or if any Perſon ſhall ride upon any Footway or Cauſeway formed upon or on the Side of or adjoining to the ſaid Road, or ſhall drive any Horſe, Beaſt, or Swine, or any Carriage upon, or cauſe any Damage to be done to any Footway or Cauſeway; or if any Perſon ſhall cauſe to be hauled or drawn upon any Part of the ſaid Road, any Timber, Stone, or other Thing, (otherwiſe than upon wheeled Carriages,) or ſhall ſuffer any Timber, Stone, or other Thing which ſhall be carried upon wheeled Carriages to drag upon the ſaid Road, to the Prejudice thereof; or if any Perſon driving any Pigs or Swine upon the ſaid Road, ſhall ſuffer them to root up or damage the ſame, or the Fences on either Side thereof; or if any Perſon driving any Waggon, Cart, or other ſuch like Carriage, ſhall ride on the Shafts or other Part of ſuch Waggon, Cart, or Carriage, or on any of the Horſes drawing the ſame upon any Part of the ſaid Road; or if any Perſon driving any Coach, Chaiſe, or other ſuch like Carriage, upon the ſaid Road, ſhall drive the ſame without holding the Reins; or if any Perſon driving any Carriage whatſoever, and meeting any other Carriage, ſhall not keep his Carriage on the Left or Near Side of the ſaid Road,

and also keep on the same Side himself or herself; or if any Person shall, in any other Manner, wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football on any Part of the said Road; or if any Person shall leave any Carriage (except in Cases of Accident, and when such Carriage shall be placed as near to the Side of the said Road as may be) upon or on the Side of the said Road, longer than may be necessary to load or unload the same, either with or without any Horse or Beast of Draught, harnessed or yoked thereto; or if any Person, after having blocked any Carriage whatsoever, in going up any Hill or rising Ground, shall leave on the said Road the Stone or other Thing used in such blocking; or if any Person shall plough, dig, or break up, any of the Soil within Twenty Feet from the Centre of the said Road, or shall scrape off any Soil or other Thing from the said Road or the Sides thereof, or shall take up and carry away any Scrapings thereof, without Leave of the said Trustees or their Surveyor or Surveyors; every Person so offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in Manner hereinafter mentioned.

Trustees may contract.

LXIX. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize or appoint, shall be and are hereby empowered from Time to Time to contract and agree with any Person or Persons for the making, amending, widening, diverting, altering, straightening, improving, and keeping in Repair the said Road or any Part thereof, or for erecting Mile or Direction Posts or Stones 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 and Agreements in Writing entered into pursuant to any Order of the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, 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 or Persons as shall sign the same, his, her, and 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, her, or their Name or Names respectively, and Damages or Costs recovered against the Party or Person, Parties or Persons, failing in the Performance of such Contracts or Agreements respectively, and such Sum of Money as shall or may be requisite for making or 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 Damage to be recovered in any such Action or Suit against any such Party or Person, Parties or Persons, so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Landholders liable to repair Roads and Bridges as before.

LXX. Provided always, and be it further enacted, That where any particular Part or Parts of the said Road, or any Bridges, Arches, Drains, Sewers, or Water courses, lying in and upon the same Road, have been accustomed,

cuſtomed, or ought to be repaired and maintained by any particular Perſon or Perſons, Bodies Politic or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by the ſaid Counties of *Lancaſter* and *Weſtmorland*, or either of them, or any Ward, Pariſh, or Townſhip, therein or otherwiſe howſoever, all and every ſuch Part and Parts of the ſaid Road, and all ſuch Bridges, Arches, Drains, Sewers, and Watercourſes, ſhall from Time to Time be maintained and kept in Repair, by ſuch Perſon or Perſons, Bodies Politic and Corporate, County Wards, Pariſhes, or Townſhips reſpectively, and in ſuch manner as the ſame ought to have been reſpectively maintained and kept in Repair in caſe this Act had not been made.

Statute Labour.

LXXI. And be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be or are by this Act made chargeable towards repairing and amending the ſaid Turnpike Road, or any Part thereof, ſhall ſtill remain and be liable thereto in like Manner as they were before the paſſing of this Act, or as they are by this Act made chargeable and liable, or as any Inhabitants or other Perſons are liable thereto by Law in reſpect of the Roads in their Pariſhes; and that it ſhall and may be lawful for any Two or more Juſtices of the Peace for the ſaid Counties of *Weſtmorland* and *Lancaſter*, and they are hereby empowered and required (upon Application made to them for that Purpoſe by the ſaid Truſtees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order,) yearly to adjudge and determine what Part or Proportion of the Statute Work ſhall every Year be done upon the ſaid Turnpike Road by the Inhabitants of the reſpective Pariſhes or Places liable thereto, or in which the ſaid Turnpike Road or any Part thereof doth lie, and alſo what Proportion of Money received by the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, in lieu of or as a Compoſition for ſuch Statute Work ſhall be by him or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers; and in order thereto it ſhall be lawful for ſuch Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways of every ſuch Pariſh or Place, to bring in Writing before ſuch Juſtices at ſome Place to be expreſſed in ſuch Summons, within Ten Days after the ſerving of ſuch Summons, a Liſt or Liſts of the Names of the ſeveral Perſons who, within ſuch Pariſhes or Places reſpectively, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work, diſtinguiſhing the Nature of the Work to be done, whether with Teams or Draughts or otherwiſe, and alſo the Amount of the reſpective Sums to be paid, which Liſts of Names ſhall be made in ſuch Manner and under ſuch Regulations and Reſtrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of ſuch Liſts ſuch Juſtices ſhall and may allot, appoint, and order ſuch and ſo many of the Perſons who ſhall appear to be ſubject and liable to do Statute Work as aforeſaid, to do ſuch Number of Days Statute Work in every Year upon the ſaid Turnpike Road as ſuch Juſtices ſhall think reaſonable, and the ſame ſhall be done on ſuch Days and at ſuch Times, (not being Hay Time or Harveſt,) and on ſuch Parts of the ſaid Turnpike 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 Liſt ſhall appear to be ſubject and liable

to

to the Payment of any ſuch 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 Surveyor or Surveyors of every ſuch Pariſh or Place, to be by him or them paid to the ſaid Truſtees, or their Treaſurer or Treaſurers, at ſuch Time or Times as 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 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, for that Purpoſe, ſigned by the Surveyor or Surveyors to the ſaid Truſtees, ſhall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horſe or Horſes, Beaſt or Beaſts, to be provided by him, her, or them, be ſubject and liable to ſuch Pains, Penalties, and Forfeitures, as ſuch Perſon or Perſons may be ſubject or liable to, by any Law or Statute in Force and Effect, for the Repair of the public Highways; and if any Perſon who ſhall come to work as a Labourer, or who ſhall be ſent with any Team or Draught to work on the ſaid Road, or any Part thereof, ſhall be found idle or negligent by any Surveyor to the ſaid Truſtees, ſuch Surveyor is hereby empowered to remove and turn off the Perſon who ſhall be found idle or negligent as aforeſaid; and in that Caſe any ſuch Perſon ſhall be ſubject and liable to the reſpective Forfeitures and Payments aforeſaid, as if he had refuſed or neglected to come, or ſuch Team or Draught had not been ſent to work on any Part of the ſaid Road; all which Forfeitures ſhall be paid to the Treaſurer or Treaſurers to the ſaid Truſtees, and applied towards amending the ſaid Turnpike Road; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or neglect to give in ſuch Liſts, or to collect or pay over ſuch Compoſition, or any Part thereof, in Manner as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, or ſhall refuſe or neglect to collect and pay over ſuch Compoſition Money, or any Part thereof, every ſuch laſt-mentioned Surveyor ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds.

For recovery of Compenſation for Statute Work.

LXXII. And be it further enacted, That the Proportion of the Money received, or which ought to be received, by the Surveyor or Surveyors of the Highways, of every ſuch Pariſh or Place as aforeſaid, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, and adjudged and determined by ſuch Two Juſtices as aforeſaid, to be by ſuch Surveyor or Surveyors paid to the ſaid Truſtees or their Surveyor or Surveyors, ſhall be ſo paid to them or him at ſuch Time or Times as ſuch Two Juſtices as aforeſaid ſhall direct or appoint, and in Default of Payment thereof, the ſame, together with all reaſonable Coſts and Charges of the Recovery thereof, ſhall and may, from Time to Time, be levied on the Application of the ſaid Truſtees or their Surveyor or Surveyors, by Diſtreſs and Sale of the Goods and Chattels of the Surveyor or Surveyors of the Highways of ſuch Pariſh or Place, by Warrant under the Hand and Seal or Hands and Seals of One or more Juſtices of the Peace for the County or Place where the Defaulter or Defaulters ſhall reſide.

For ſecuring tranſient Offenders.

LXXIII. 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, 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 Counties of *Weſtmorland* or *Lancaſter*.

Form of Conviction.

LXXIV. 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:

'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 in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth 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.

LXXV. And be it further enacted, That no Order, Verdict, Aſſeſſment, Judgment, or other Proceeding made touching or concerning the Conviction of any Offender or Offenders againſt this Act ſhall be quaſhed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Expences of this Act.

LXXVI. And be it further enacted, That all the Charges and Expences of or incident to the obtaining and paſſing of this Act ſhall be paid by the ſaid Truſtees out of any Money already raiſed by virtue of the recited Acts or any of them, or out of the firſt Monies to ariſe by virtue of the ſaid Acts and this Act, in Preference to all other Payments whatſoever.

Public Act.

LXXVII. 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 the ſame being ſpecially pleaded.

LXXVIII. And

LXXVIII. And be it further enacted, That this Act shall commence upon the Second *Tuesday* after the passing thereof; and shall from thenceforth continue and be in Force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament. Continuance of Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1819.