ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

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other Part of the ſaid Turnpike Road, at or oppoſite to a Place called *Smalmſtown*, and extending from thence to the River *Sark*, oppoſite to a Place called *Alliſon's Bank*, were properly widened, altered, and repaired; and it would be convenient, if ſuch laſt-mentioned Branches and Lines of Road were to be put under the Care and Management of the Truſtees for executing the ſaid recited Act and this Act; but as the above Purpoſes cannot be effected without the 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 the ſaid recited Act, and the ſeveral Clauſes, Powers, Proviſions, Matters, and Things therein contained (except ſuch as are varied, altered, or repealed) ſhall be and remain in full Force and Effect, and, together with this Act, ſhall be put in Execution for and during the Term herein-after mentioned, as fully and effectually, in all Reſpects and to all Intents and Purpoſes, as if the ſaid Act, and the Clauſes, Powers, and Proviſions therein contained, were expreſsly repeated and re-enacted in the Body of this preſent Act, and as if the ſaid Two Lines of Road, intended by this Act to be put under the Management of the Truſtees for executing the ſaid recited Act and this Act, had been Part of and included in the ſaid recited Act; but ſubject nevertheleſs to the Alterations and Amendments herein contained; and that this Act, and the Term and Powers hereby granted, ſhall be and are hereby declared to be ſubject and liable to the Payment of all Monies now due and owing, or which may hereafter become due and owing on the Credit of the ſaid recited Act and this preſent Act, or either of them, and all Intereſt due and to become due for the ſame reſpectively.

Former Act continued, and other Roads put under this Act.

Truſtees.

II. And be it further enacted, That from and after the paſſing of this Act, the Honourable *William Lowther* commonly called *Viſcount Lowther*, *James Graham*, *William Ponſonby Johnſon*, *Fergus Graham* junior, *George Scott Elliot*, *George Stephenſon Mounſey*, *James Mounſey*, *John Hodgſon*, *William Siſſon* and *John Forſter*, ſhall be and they are hereby appointed Truſtees, and ſhall be added to and joined with the Truſtees already appointed or ſince elected and choſen in purſuance of the ſaid recited Act, for putting the ſame and this Act into Execution, as fully and effectually to all Intents and Purpoſes, as if they the ſaid Truſtees herein-before particularly named, had been appointed Truſtees in or by virtue of the ſaid recited Act.

Power to appoint additional Truſtees.

III. Provided always, and be it further enacted, That it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of additional Truſtees, not exceeding Ten in the Whole; who ſhall have the ſame Power and Authority for executing the ſaid recited Act and this Act, as if they had been herein named and appointed.

For altering the Places of Meetings.

IV. And be it further enacted, That ſo much of the ſaid recited Act as relates to the Places of Meeting of the Truſtees, ſhall be and is hereby repealed; and that the Truſtees appointed, by or under the Authority of the ſaid recited Act or this Act, ſhall and may hold their Meetings at *Longtown*, or at ſuch other Place or Places within the ſaid ſeveral Pariſhes of

of *Arthuret* and *Kirkandrews-upon-Eſk* reſpectively, as they the ſaid Truſtees, or any Five or more of them, ſhall from Time to Time think proper, and alſo ſhall and may from Time to Time, adjourn any of ſuch Meetings to the ſame or any other Place, within one or other of the ſaid Two Pariſhes, any Thing in the ſaid recited Act to the contrary thereof notwithſtanding.

Empowering the Truſtees to make the new Pieces of Road.

V. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, or for ſuch Perſons as they or any Five or more of them ſhall employ for that Purpoſe, and they are hereby fully authorized and empowered, to enter into and upon the Lands and Grounds of any Perſon or Perſons, in or through which the ſaid Two Lines of Road; the one commencing at and branching from the Market Town of *Longtown* aforeſaid, and extending from thence to the ſaid Bridge called *Penton Bridge*; and the other Line of Road commencing at and branching from a certain other Part of the ſaid preſent Road, at or oppoſite to a Place called *Smalmſtown*, and extending from thence to the River *Sark*, oppoſite to *Alliſon's Bank*, in the ſeveral Pariſhes of *Arthuret* and *Kirkandrews-upon-Eſk*, in the County of *Cumberland*, now paſs or are intended to paſs, to widen, alter, repair, make, and complete the ſame Lines of Road reſpectively, and to cut and make ſuch Drains, Gutters, and Tunnels in or upon the Lands adjoining or near ſuch Roads reſpectively, as ſhall be by them thought neceſſary or proper for draining the Water from ſuch Roads reſpectively, according to the true Intent and Meaning of this Act; doing as little Damage as may be in the Execution of the Powers to them hereby granted, and making reaſonable Satisfaction to the Owners or Proprietors of, and all Perſons intereſted in ſuch Lands, for all Damages which ſhall be ſuſtained by executing the Powers and Authorities hereby given; and in caſe any Difference concerning the ſame ſhall ariſe, between the ſaid Truſtees and ſuch Owners or Proprietors and Perſons intereſted as aforeſaid, that then the ſame ſhall be aſcertained and ſettled by a Jury, in ſuch Manner as is directed by the ſaid recited Act, with reſpect to the Valuation of Land intended to be made Part of the Roads therein deſcribed: Provided always, that nothing herein contained ſhall authorize or empower the ſaid Truſtees, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſe of the ſaid reſpective Roads, or any of the Purpoſes aforeſaid, any Houſe or other Building, or any Land or Ground ſet apart or uſed as a Garden, Orchard, Park, or planted Avenue to a Houſe, without the Conſent in Writing of the Owner or Owners thereof, and which ſaid Lines of Road ſhall be of the Breadth of Thirty-three Feet.

Maps depoſited with the Clerk of the Peace, to remain for public Inſpection.

VI. And whereas Maps or Plans, deſcribing the Lines of the ſaid ſeveral new Pieces of Road, and the Lands through which the ſame are or are intended to be reſpectively carried, together with Books of Reference, containing Liſts of the Names of the Owners and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for the County of *Cumberland*; be it therefore enacted, That the ſaid ſeveral Maps or Plans and Books of Reference ſhall remain in the Cuſtody of the Clerk of the Peace, in whoſe Office the ſame are depoſited, to the end that all Perſons may, at any ſeaſonable Times, have Liberty to inſpect and peruſe the ſame, and to take Copies or Extracts thereof, at their Will and Pleaſure,

sure, paying the Clerk of the Peace in whose Office the same are deposited, the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said several Maps or Plans and Books of Reference; and that the said Trustees in making the said several Roads shall not deviate more than One hundred Yards of Three Feet each from the Lines described in the said several Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees not to deviate beyond certain Distances of the Lines described in the Plans.

VII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to make the said new Pieces of Road into, through, across or over the Lands or Grounds of any Person or Persons, who is or are or may be Owner or Owners of Lands over which the same are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Cumberland*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Trustees may make Roads, although the Owners are not described in Books of Reference.

VIII. 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 Purposes of this Act, 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 old Road to the Person or Persons whose Land 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 in the High Court of Chancery, or before some One of His Majesty's Justices of the Peace for the County, City, or Place in which such Piece or Pieces of Ground shall lie, 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 was 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 and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner by the said recited Act directed with respect to disputed Value of Premises to be purchased by the said Trustees, and the Expences of hearing and determining such Difference shall be paid and borne in like Manner as by the said Act is directed with respect to such Purchase 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 old Road or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable

If Ground sold, Persons whose Lands adjoin, to have the Preference.

answerable or accountable for any Misapplication or Nonapplication of such Money.

Trustees may erect Turnpikes on the new Pieces of Road;

IX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they or any Five or more of them shall appoint, to erect and set up or cause to be erected and set up, one or more Gate or Gates, Turnpike or Turnpikes, upon or across each of the said Roads, and also a Toll House or Toll Houses, with suitable Outbuildings thereto, and also to take in and inclose from the said Roads a Garden Spot or Garden Spots, not exceeding in Quantity One Quarter of an Acre of Land, suitable and convenient for such Toll House and Toll Houses, and also from Time to Time to pull down and remove the same or any of them, as they the said Trustees, or any Five or more of them, shall judge proper.

and make Footpaths;

X. And be it further enacted, That the said Trustees, or any Five or more of them, may cause Footpaths not exceeding Eight Feet in Breadth to be made along the Sides of all or any of the Roads mentioned or comprized in the said recited Act or this Act, in such Places as can conveniently admit of the same; and if any Person or Persons shall ride upon any such Way or Ways, made or to be made on the Side or Sides of any Part of the said Roads, for the Accommodation of Persons travelling on Foot, or shall lead or drive any Horse, Cattle, Sheep, Swine or other Beasts, or any Carriage upon any such Way or Ways, or shall wilfully or negligently injure or damage the same; or if any Driver of any Waggon or other Carriage, shall wilfully or carelessly break or damage any of the Posts, Rails, or Stones, which already are or hereafter may be erected or put up for the Security of the said Footpaths or Ways; or if any Person shall plough over or drag any Plough upon any Part of the said Roads, to the Prejudice thereof; or if any Person shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads, so as to damage the said Roads or any Part thereof, without the Consent of the said Trustees, or any Five or more of them, or their Surveyor for the Time being; or if any Person shall leave any Waggon, Wain, Cart or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, either with or without any Horse or Beast harnessed or yoked thereto, without some reasonable Cause, to be allowed by the Justice before whom the Person or Persons so offending shall be summoned or conveyed, in order to his Conviction, except with regard to such Waggon, Wain, Cart or other Carriage, during such reasonable Time as the same shall be loading or unloading, or standing as near the Side of the said Roads as conveniently may be; or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, Earth, Soil, Rubbish or other Annoyance whatsoever, upon any Part of the said Roads, or on the Side or Sides thereof, to the Prejudice thereof, or Annoyance of any Person or Persons travelling thereon; every Person so offending, who shall be convicted thereof by his or her own Confession, or by the Oath of one or more credible Witness or Witnesses, before any one or more Justice or Justices of the Peace acting for the said County of *Cumberland*, shall forfeit and pay such Sum of Money as such Justice or Justices shall adjudge, not exceeding Forty Shillings, the same to be levied and recovered by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hand and Seal or Hands and Seals

and to prevent Nuisances and Annoyances on the Roads.

of the Juſtice or Juſtices before whom ſuch Conviction ſhall be made; ſuch Forfeiture to be applied in recompenſing the Informer, according to the Diſcretion of ſuch Juſtice or Juſtices, and in repairing ſuch Footpath or Way, and the Overplus (if any) ſhall be paid to the Treaſurer of the ſaid Roads, in aid of the Tolls to ariſe by virtue of this Act; and in caſe the Perſon or Perſons ſo offending and convicted ſhall have no Goods or Chattels within the Juriſdiction of ſuch Juſtice or Juſtices, it ſhall and may be lawful for the ſaid Juſtice or Juſtices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol of the ſaid County of *Cumberland*, for the Space of One Calendar Month, unleſs the Penalty impoſed by ſuch Conviction ſhall be ſooner paid, upon the Payment whereof ſuch Perſon or Perſons ſhall be diſcharged.

For repealing the preſent Tolls, and granting new ones.

XI. And whereas the Tolls granted by the ſaid recited Act have been found inſufficient for amending and keeping the ſaid Roads in good Repair, and for executing the ſeveral other Purpoſes of the ſaid Act; be it therefore enacted, That from and after the Twenty-ſixth Day of *April* One thouſand eight hundred and fourteen, all and ſingular the ſeveral Tolls, and all the Exemptions from Payment thereof, and all and every the Reſtrictions and Regulations in the ſaid recited Act mentioned and declared relating thereto, ſhall be, and the ſame are hereby repealed, and that inſtead thereof, the following Tolls ſhall be demanded and taken, before any Horſes, Beaſts and Carriages ſhall be permitted to paſs through the ſeveral and reſpective Toll Gates, Bars and Turnpikes, already ſet up and erected, or which may hereafter be ſet up and erected, upon the ſaid ſeveral Roads, or any of them, ſubject only to the Exemptions, Reſtrictions, and Regulations in this Act particularly mentioned and ſet forth; (that is to ſay),

For every Coach, Chariot, Berlin, Landau, Phaeton, Chaiſe, Calaſh, Chair, Hearſe, or Litter, drawn by Six Horſes or other Beaſts of Draught, Three Shillings; and drawn by Four or Three Horſes or other Beaſts of Draught, Two Shillings; and drawn by Two Horſes or other Beaſts of Draught, One Shilling; and drawn by One Horſe or other Beaſt of Draught, Sixpence:

For every Waggon, Wain, Dray, Cart, or ſuch like Carriage, having the Fellies of the Wheels of the Breadth or Gauge of Nine Inches or upwards, from Side to Side, drawn by Eight or Seven Horſes or other Beaſts, Nine-pence; and drawn by Six or Five Horſes or other Beaſts, Seven-pence; and drawn by Four, Three, or Two Horſes or other Beaſts, Five-pence:

For every Waggon, Wain, Dray, Cart, or other ſuch like Carriage, having the Fellies of the Wheels of the Breadth or Gauge of Six Inches, and leſs than Nine Inches, from Side to Side, drawn by Eight or Seven Horſes or other Beaſts, One Shilling; and drawn by Six or Five Horſes or other Beaſts, Nine-pence; and drawn by Four Horſes or other Beaſts, Sixpence; and drawn by Three or Two Horſes or other Beaſts, Three-pence:

For every Waggon, Wain, Dray, Cart, or other ſuch like Carriages, having the Wheels of leſs Breadth or Gauge than Six Inches, and drawn by Eight or Seven Horſes or other Beaſts, Four Shillings; and drawn by Six or Five Horſes or other Beaſts, Three Shillings; and drawn by Four Horſes or other Beaſts, Two Shillings; and drawn by Three Horſes

or

or other Beasts, One Shilling and Sixpence; and drawn by Two Horses or other Beasts, Eight-pence; and drawn by One Horse or other Beast, Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny Halfpenny:

For every Score of Oxen, Bulls, Cows, Steers, or Heifers, Eight-pence; and so in Proportion for a less Number:

For every Score of Calves, Hogs, Sheep or Lambs, Two-pence; and so in Proportion for a less Number.

Which said respective Tolls or Duties shall be, and are hereby declared to be vested in the Trustees appointed or to be appointed for the Purposes of the said recited Act and this present Act, and shall be demanded and taken in the Name of and as a Toll, by such Person or Persons as the said Trustees, or any Five or more of them, shall from Time to Time appoint for that Purpose; and shall and may be levied, recovered, applied and disposed of, in such and the same Manner as by the said recited Act is directed with regard to the Tolls thereby granted, subject nevertheless to the Alterations herein contained.

Directing how many Toll Gates shall be erected upon the new Lines of Road.

XII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to erect, set up, and keep Two several Turnpikes or Toll Gates upon or across the said several new Lines of Road, that is to say; One of such Turnpikes or Toll Gates upon or across the said new Line or Branch of Road leading from *Longtown* to *Penton Bridge*, at or near to a Place called *Haythwaite Gate*; and the other of such Turnpikes or Toll Gates upon or across the said other new Line or Branch of Road leading from *Smalmstown* to *Allison's Bank*, at or near to a Place called *Snab Creek*; and also such Turnpikes or Toll Gates upon or near the Sides of the said Roads respectively across any Lanes or Ways leading into the said new Lines of Road respectively, as they shall from Time to Time think proper; and that each and every of the aforesaid Tolls shall be demanded and taken at all and every such last-mentioned Turnpikes or Toll Gates hereby authorized to be erected, before any Horses, Beasts, or Carriages shall be permitted to pass through the same or any of them: Provided, that no more than One full Toll shall be demanded for any Horses, Beasts, or Carriages passing along each of the Lines of Road herein-after mentioned on the same Day; that is to say, One full Toll and no more from *Lyne Bridge* to *Longtown*; One full Toll and no more from *Longtown* to the *Scotch Dyke*; One full Toll and no more from *Longtown* to *Sark Bridge*; One full Toll and no more from *Longtown* to *Penton Bridge*; and One full Toll and no more from *Smalmstown* to *Allison's Bank*.

Tolls to be paid only once a Day.

XIII. And be it further enacted, That no Person who shall have paid Toll for passing through any Turnpike erected or to be erected upon the said Roads, shall be subject to any Toll for returning through such Turnpike the same Day before Twelve of the Clock at Night, with the same Horses or other Cattle, or with the same Coach, Chaise, Waggon, or other Carriage, but shall return Toll-free, on delivering a Note or Ticket to the Collector of the Tolls at such respective Turnpikes; which Note or Ticket such Collector is hereby required to give *gratis* on the Receipt of the Tolls; except such Waggon, Wain, Cart, or such other like Carriages, which shall pass or repass through any of the said Turnpikes

laden with any Loading of the Weight of Five hundred Pounds or upwards, of Six Score to the Hundred, and ſhall return the ſame Day, alſo laden with any Loading of the Weight of Five hundred Pounds or upwards, as aforeſaid.

Tolls to be conſolidated for Payment of Intereſt on Money borrowed.

XIV. And be it further enacted, That when and ſo ſoon as all Intereſt Money which ſhall be due at the Time of the paſſing of this Act to the ſeveral Perſons who have advanced Money on the Credit of the ſaid recited Act, ſhall have been paid off and diſcharged, then and not before, all and every the Tolls directed to be taken on the ſaid Roads, comprized in the ſaid recited Act and this Act, ſhall from henceforth be conſolidated and form one joint Fund, for the Purpoſes of the ſaid recited Act and this Act and be paid and applied in Payment and Diſcharge of the Intereſt now due and hereafter to become due to the old and new Mortgagees reſpectively; the Intereſt to the new Mortgagees to commence from the Time of advancing their reſpective Monies, without any Preference or Priority whatſoever.

Exemptions from Tolls.

XV. And be it further enacted, That no Toll ſhall be demanded or taken at any Gate to be erected purſuant to this Act, for any Carriage, Horſe or other Cattle, going unladen for, or being laden with or returning empty, after having gone laden only with any Materials for repairing the ſaid Roads, or any other Highway or Road; or with or for any Coal to be appropriated for the Purpoſe of burning Limeſtone into Lime, to be uſed or employed in Agriculture, or with any Lime, Marle, Dung, Mould, or Compoſt of any kind whatſoever, to be employed in Huſbandry, or for manuring of Lands in any of the Pariſhes, Townſhips, or Places through which any Part of the ſaid Roads doth or may lead; or for any Carriage or Cattle, of or belonging to any Inhabitant of the ſaid Pariſhes or Places, laden with or going unladen for, or returning empty after having gone laden only with any Grain, Flour, or Meal, to or from a certain Water Corn Mill called *Penton Mill*, or any other Water Corn Mill or Mills within the ſeveral Pariſhes of *Arthuret* and *Kirkandrews-upon-Eſk*, or either of them reſpectively; provided ſuch Grain, Flour, or Meal, ſo carried to or brought from the ſaid Mill or Mills, ſhall be for the private Family Conſumption of the Perſon or Perſons carrying or bringing back the ſame, or returning empty to or from ſuch Mill or Mills, and not for the Purpoſe of Sale or Merchandize; or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the Straw, not ſold or diſpoſed of, but paſſing to be laid up in the Houſes, Out Houſes, Barns, Yards, or Cloſes of any of the Inhabitants of any of the Pariſhes or Places through which any Part of the ſaid Roads doth or may lead; or for any Horſes, Cattle, or Carriages going with, or for any Ploughs, Harrows, or other Implements of Huſbandry, belonging to any of ſuch Inhabitants; or for any Horſe or other Cattle going to or from Plough or Harrow, or to or from any Smith's Shop to be ſhoed or farried, belonging to any of the ſaid Inhabitants; or for any Horſe, Cow, Ox, Sheep, or other Cattle, going to or returning from any Paſture or Watering Place; or for any Horſes or other Cattle or Carriages employed in the conveying of any Perſon or Perſons going to or returning from the Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of *Cumberland*, on the Day of ſuch Election, or on the Day preceding or after ſuch Election; or from any Perſon going to or returning from his or her proper Parochial

Parochial Church, Chapel, or other Place of Religious Worſhip tolerated by Law on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated; or attending the Funeral of any Perſon that ſhall die, and be buried in any of the ſaid Pariſhes or Places; or from any Clergyman going to or returning from viſiting any ſick Perſon, or upon his other Parochial or Miniſterial Duty on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Carriages or Horſes employed in conveying Mails of Letters and Expreſſes under the Authority of His Majeſty's Poſtmaſter General, either when employed in conveying or guarding ſuch Mails or Expreſſes, or in the returning from conveying or guarding the ſame; or for any Horſes belonging to Officers or Soldiers upon their March, or upon Duty, or any Horſes, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or any ſick, wounded, or diſabled Officers or Soldiers; or 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; or for any Horſes, Carts, or Waggons travelling with Vagrants, ſent by legal Paſſes, or returning therefrom; and that no Toll ſhall be demanded or taken for any Horſe, Mare, or Gelding, furniſhed by or for any Perſons belonging to any Corps of Yeomanry and Volunteer Cavalry, and rode by them, in going to or returning from the Place appointed for and 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 Exemptions as aforeſaid; and if any Perſon or Perſons ſhall, in any fraudulent or colluſive Manner whatſoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the ſame, every ſuch Perſon ſhall forfeit and pay for every ſuch Offence, any Sum not exceeding Five Pounds, One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be applied for the Purpoſes of this Act.

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

XVI. 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, in conveying any Ordnance, Barrack or Commiſſariat or other Public Stores, 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 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 in the ſaid recited Act or this Act contained to the contrary thereof notwithſtanding.

Tollkeepers not to be deemed incompetent Witneſſes.

XVII. And be it further enacted, That in caſe any Diſpute, Suit, Litigation, Information, or Proſecution ſhall ariſe, touching or in anywiſe relating to the ſaid Tolls, any Perſon or Perſons appointed to collect the ſaid

ſaid Tolls, or any other Perſon or Perſons acting by or under the Authority of the ſaid Truſtees, ſhall not be deemed to be incompetent to give Evidence in any ſuch Diſpute, Suit, Litigation, Information, or Proſecution, by reaſon of his, her, or their being appointed to collect the ſaid Tolls, or acting under the Authority of the ſaid Truſtees.

Empowering the Truſtees to take Poſſeſſion of Toll Houſes, in certain Caſes.

XVIII. And be it further enacted, That in caſe all or any of the Tolls ariſing by virtue of this Act ſhall 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 or Conditions on which the ſame ſhall be ſo demiſed or let, either by taking greater or leſs Tolls, or in any other Way or Manner; 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 Ten Days next after any One of the Days on which the ſame ought to be paid, purſuant to the Leaſe or Agreement for demiſing or letting thereof; and in caſe the Toll Houſe or Toll Houſes ſhall be in the Poſſeſſion of any ſuch Leſſee or Leſſees, Farmer or Farmers, Collector or Collectors, who ſhall be diſcharged or removed from his, her, or their Office of Collector or Collectors, or ſhall happen to die; then and in any of thoſe Caſes, the ſaid Truſtees, or any Five or more of them, or their Treaſurer or Clerk, or any other Perſon authorized by Writing under their Hands, or the Hands of any Five or more of them, ſhall and lawfully may and they are hereby authorized to enter upon and take Poſſeſſion of any ſuch Toll Houſe or Toll Houſes, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out ſuch Leſſee or Leſſees, Farmer or Farmers of the Tolls ariſing thereat reſpectively, or any Collector or Collectors or other Officer or Officers having Poſſeſſion of the ſaid Toll Houſe or Toll Houſes, Gates, and Premiſes, from the Poſſeſſion thereof and from the Collection of the Tolls; and that thereupon it ſhall be lawful for the ſaid Truſtees (if they think fit) to vacate and determine the Contract (if any) for demiſing or letting the ſaid Tolls to ſuch Leſſee or Leſſees, Farmer and Farmers, and the ſame ſhall be from that Time utterly void to all Intents and Purpoſes (ſave as to the Covenant or Agreement for Payment up to that Time of the Rent or Rents thereby reſerved, or other Covenants and Agreements on the Part of the Leſſee or Leſſees, or of his, her, or their Surety or Sureties, which ſhall have been broken) as if ſuch Demiſe or Agreement had never been made; and it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, in every ſuch Caſe to demiſe or let to Farm the ſaid Tolls again to any Perſon or Perſons, or cauſe them to be collected as if no former Demiſe, Contract, or Agreement had been made relative thereto; any Law, Uſage, or Cuſtom to the contrary thereof in anywiſe notwithſtanding.

Application of Compenſation when amounting to £200.

XIX. 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 the ſaid recited Act and this Act, for the Purpoſes thereof, which ſhall belong to any Corporation, Femes Covert, Infant, Lunatic, or Perſon or Perſons under any Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there,

there, *ex parte* the Truſtees for executing the ſaid recited Act and this Act, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrances or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſaid Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court upon Application thereto, be inveſted by the ſaid Accountant General in his Name in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the 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, or Hereditaments to be purchaſed by virtue of the ſaid recited Act and this Act, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than £200. and exceeds £20.

XX. 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 any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the 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, Idiotcy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, to be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid at the like Option to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by any Five or more of the ſaid Truſtees for executing the ſaid recited Act and this Act (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties,) in order that ſuch Principal Money, and the Dividends ariſing thereon may be applied in any Manner herein-

herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction and Approbation of the Court of Chancery.

Application where the Money is leſs than £20.

XXI. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as laſt before mentioned, ſhall be leſs than Twenty Pounds, then 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 the ſaid Act or this Act, in ſuch Manner as the ſaid Truſtees or any Five or more of them ſhall think fit, or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Money ſhall be paid 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.

Directions in Caſes of not making out Titles.

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

Reſpecting diſputed Titles.

XXIII. 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 Court of Chancery, in purſuance of this or the ſaid recited Act, for the Purchaſe of Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be pur-

chaſed in purſuance of this and the ſaid recited Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court of Chancery may direct Payment of Expences.

XXIV. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Tenements or Hereditaments, to be purchaſed under the Authority of the ſaid recited Act or this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the 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 the ſaid recited Act or this Act, it ſhall be lawful for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of the ſaid recited Act or this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees, or any Five or more of them, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Reſpecting Statute Duty.

XXV. Provided always, and be it further enacted, That all Perſons who by Law are or ſhall be liable to do Statute Work, or are or ſhall be chargeable towards amending or repairing the ſaid Roads, or any Part thereof, ſhall ſtill remain liable thereto, in like Manner as heretofore; and it ſhall and may be lawful to or for any Two or more Juſtices of the Peace for the ſaid County of *Cumberland*, and they are hereby empowered and required, upon Application made to them by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Surveyor, by their Order, yearly to adjudge and determine what Part and Proportion of the Statute Work ſhall every Year be done upon the ſaid Roads by the Inhabitants of the reſpective Townſhips or Places in which the ſaid Roads lie, and alſo what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every ſuch Townſhip or Place, in lieu of or as a Compoſition for ſuch Statute Work as aforeſaid, ſhall be by him, her, or them paid to the ſaid Truſtees or their Treaſurer; and in order thereunto it ſhall and may be lawful to and for the ſaid Juſtices from Time to Time to ſummon the Surveyor or Surveyors of the Highways for every ſuch Townſhip or Place, to bring in Liſts before ſuch Juſtices, at ſome Place to be expreſſed in ſuch Summons (within Ten Days after the ſerving of ſuch Summons) of the Names of the ſeveral Perſons who, within ſuch Pariſh, or Place, are by Law ſubject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Compoſition for ſuch Statute Work,

distinguishing the Nature of the Work to be done, whether with Teams, or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such a 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 Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Haytime or Harvest) and in such Parts of the said Roads, as the said Justices, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons, who by such Lists shall appear to be liable and subject to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties or 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 shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that Case, every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the said Surveyor or Surveyors of the Highways for any of the said Townships or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Statute Work to be by them done on the said Roads or any Part thereof, and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Townships or Places in which the said Roads are situate, for a certain Sum of Money by the Year or otherwise, as the said

Truſtees ſhall think reaſonable, in lieu of the Whole or of any Part of the Statute or other Work, to be by all or any of the ſaid Inhabitants and Occupiers done on the ſaid Roads; which Compoſition Money ſhall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Townſhip, or by the Perſon or Perſons ſo compounding, to the Treaſurer to the ſaid Truſtees, in Advance, on or before the Firſt Day of *December* in each and every Year; or otherwiſe the Inhabitants and Occupiers of ſuch Townſhip or Place ſhall not be permitted to compound for that Year.

For compelling Payment of Subſcriptions.

XXVII. And be it further enacted, That the ſeveral Perſons who have ſubſcribed, or ſhall ſubſcribe to pay Money for or towards amending or repairing the ſaid new Pieces of Road, ſhall, and are hereby required to pay ſuch Money within ſuch Time in ſuch Parts or Proportions, and to ſuch Perſons as the ſaid Truſtees ſhall direct or appoint; and in Default of ſuch Payment, ſuch Money ſhall be recovered by Action at Law, to be brought in any of His Majeſty's Courts of Record at *Weſtminſter*.

For ſecuring tranſient Offenders.

XXVIII. And whereas Perſons guilty of Offences againſt the ſaid recited Act and this Act, may be tranſient Perſons, unknown to the Collectors, Surveyors, or other Officers under this Act; be it therefore enacted, That it ſhall be lawful for the Surveyors or other Officers duly authorized by the ſaid Truſtees, or any Five or more of them, to ſeize and detain any unknown Perſon or Perſons guilty of any Offence againſt this Act, and to convey him, her, or them before One or more Juſtice or Juſtices of the Peace of the ſaid County of *Cumberland*, without any other Warrant or Authority than this Act for ſo doing.

For paying the Expences of the Act.

XXIX. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and paſſing this Act, together with lawful Intereſt, from the Time of advancing the ſame to the Time of Payment, ſhall be paid and ſatisfied by the ſaid Truſtees, and that it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby required to order and direct the Payment of the ſaid Charges and Expences, with Intereſt as aforeſaid, out of the firſt Monies that ſhall be collected, borrowed, or received, by virtue of the ſaid recited Act or this Act, in Preference to all other Payments and Diſburſements whatſoever.

Public Act.

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

Commencement and Continuance of this Act.

XXXI. And be it further enacted, That the Term granted by the ſaid recited Act ſhall, on the paſſing of this Act, ceaſe and determine; and the ſaid recited Act (ſubject to the Alterations, Variations, and Additions herein-before contained) and this Act, ſhall from henceforth commence, continue, and be in force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

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