ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 127.

An Act for more effectually improving the Roads leading to and from the Port, Harbour, and Town of *Whitehaven* in the County of *Cumberland*.

[12th *July* 1806.]

WHEREAS by an Act made in the Thirteenth Year of the Reign of King *George* the Second, intituled, *An Act for making more effectual Two Acts of Parliament, passed in the Seventh and Tenth Years of Her late Majesty Queen* Anne, *for preserving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland, *and for repairing and amending the High Roads leading to the said Harbour and Town of* Whitehaven: And whereas by One other Act, made in the Second Year of the Reign of His present Majesty, intituled, *An Act for enlarging the Term and Powers of several Acts of Parliament relating to the Harbour of* Whitehaven *in the County of* Cumberland, *and to the Roads leading to the said Harbour and Town of* Whitehaven, *and for further enlarging the said Harbour, and for lighting the said Town, and supplying the same with Water, and for regulating the Carmen there, and for repealing so much of an Act of the Twenty-third Year of the Reign of His late Majesty as relates to the Road from* Calder Bridge *to* Egremont, *and directing how the said Road shall be repaired, and for repairing several other Roads therein mentioned in the said County*: And whereas by One other Act, made in the Twenty-eighth Year of the Reign of His present Majesty, intituled, *An Act for continuing an Act made in the Second Year of the Reign of His present Majesty, intituled, 'An Act for enlarging the Term and Powers of several Acts of Parliament relating to the Harbour of Whitehaven*

13 G. 2. c. 14.

2 G. 3. c. 17.

28 G. 3. c. 65.

'Whitehaven *in the County of* Cumberland, *and to the Roads leading to the* 'said *Harbour and Town of* Whitehaven, *and for further enlarging the said* 'Harbour, *and for lighting the said Town, and supplying the same with Water,* 'and *for regulating the Carmen thereof, and for repealing so much of an Act of* 'the *Twenty-third Year of the Reign of His late Majesty as relates to the* 'Road *from* Calder Bridge *to* Egremont, *and directing how the said Road* 'shall *be repaired, and for repairing several other Roads therein mentioned in* 'the *said County,*' certain Tolls were made payable, and certain Powers and Authorities given to the Trustees therein named, and their Successors, for the Purpose of amending, widening, and keeping in Repair the several Roads therein mentioned: And whereas the said Trustees have proceeded to carry into Execution the said several Acts so far as the same related to the several Roads therein mentioned, and have borrowed a considerable Sum of Money on the Credit of the Tolls thereby granted, which Money has been employed in carrying the Powers of the said recited Acts into Execution so far as the same relate to the said Roads, and such Money is still due and owing on the Credit of the said Tolls: And whereas the said Roads are still very much out of Repair, and it is expedient that the said recited Acts, so far as the same relate to the said Roads, should be repealed, and the Powers thereof altered and enlarged: And whereas it would be attended with great Convenience to the circumjacent Country if Powers were given for the making and maintaining a Road from *Wilson Pit* in the Parish of *Saint Bees*, by *Greenbank* and *Mirehouse*, and *Bankhouse Lane*, to the Turnpike Road leading from *Egremont* to *Whitehaven* in the County of *Cumberland*; but as such several Purposes 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 so much of the said recited Acts as relates to or in anywise concerns the several Roads therein mentioned and described shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

Part of the Acts repealed.

Trustees.

II. And be it further enacted, That the Right Honourable *John* Lord *Muncaster*, Sir *Joseph Senhouse* Knight, *John Christian Curwen*, *James Graham*, *George Edward Stanley*, *Rowland Stevenson*, *Thomas Benson*, *John Gale*, *Humphrey Senhouse* the younger, *Thomas Hartley*, *Thomas Wilson Morley* Clerk, *William Walker*, *Thomas Wybergh*, *James Steel*, *Henry Nicholson* Clerk, *Miles Ponsonby*, *Wilfrid Hudleston* Clerk, *Charles Cobbe Church* Clerk, *John Lits*, *Joseph Moore*, *Joseph Greenhow*, *Samuel Potter*, *Henry Crosthwaite*, *Walter Chambre*, *Joseph Robinson*, *William Harris*, *Thomas Irwin*, *Anthony Peat*, *Oswell Sumpton*, *Richard Bowes*, *William Lewthwaite*, *John Barnes* Clerk, *John Lancaster*, *John Kay*, *William Thompson*, *John White* Clerk, *Christopher Benn*, *Edmund Lamplugh Irton*, *Andrew Hudleston* Clerk, *James Lowther*, *Humphry Senhouse*, *Humphrey Senhouse* the younger, the Honourable *Robert Caroline Herbert* Clerk, *Edward Knubley*, *Thomas Denton*, *Edmund Wilson*, *William Wilson*, *John Greenhow*, *William Lowther* Doctor in Divinity, *John Harrison*, *Timothy Martin* Clerk, *John Wilson*, *John Wilson*, *Robert Hodgson*, *John Wilkinson*, *William Bacon*, *Richard Jackson*, *Henry Pearson*, *Adam Kendal*, *John Yeoward*, *Robert Miller*, *Isaac Russell*, *Richard Burn* Clerk, *Clement Mossop*, *Backhouse Addison*, *Henry Bowman*, *George Relph*, *William Hoggart*, *Matthew Smith*,

Smith, *John Head*, *Henry Birley*, *Milham Hartley*, and their Succeſſors to be elected in Manner herein mentioned, ſhall be and they are hereby declared to be Truſtees for making, amending, repairing, altering, widening, and improving the Roads from *Calder Bridge* to *Egremont*, and from thence over *Bigrigg Moor* to *Scalegill*, and ſo to *Whitehaven*, the Road leading out of the ſaid Road from *Egremont* to *Whitehaven* at *Scragill*, and from thence over the River *Keeckle* to a Place called *Widdickar Rig*, and from the Town of *Saint Bees* to *Whitehaven*, and from a Place called *Bridge Foot* over *Clifton* and *Winſcales Moors* to *Diſtington*, and ſo to *Whitehaven*, and from the *Whinhouſe* at the Eaſt End of *Harrington* over *Workington Moor* to *Diſtington* aforelaid, and the Roads which lead out of the ſaid Road from *Diſtington* to *Whitehaven* near the preſent Turnpike Gate, to the South End of the Town of *Parton*, and from the North End of the ſaid Town of *Parton* till it joins the preſent Turnpike Road at the Smith's Shop near *Moreſby Hall*, and the Road which leads out of the ſaid Road from *Bridge Foot* by *Diſtington* to *Whitehaven*, from and over *Winſcales Moor* to a certain Place called *Hunday Gate* leading into the Town of *Workington*, and the ſaid Road leading from *Wilſon Pit* in the Road from *Saint Bees* to *Whitehaven*, by *Greenbank* and *Mirehouſe* and *Bankhouſe Lane*, to the ſaid Road leading from *Egremont* to *Whitehaven*, and for carrying the ſeveral Powers and Authorities of this Act into Execution.

Truſtees for the Harbour of Whitehaven to be Truſtees for the Roads.

III. And be it further enacted, That the ſeveral Perſons for the Time being acting as Truſtees for the Port, Harbour, and Town of *Whitehaven*, by virtue of ſeveral Acts made in the Seventh and Tenth Years of the Reign of Her Majeſty Queen *Anne*, the Thirteenth of *George* the Second, the Firſt, Second, Twenty-eighth, and Thirty-ſecond Years of the Reign of King *George* the Third, ſhall be and are hereby declared to be Truſtees for carrying this Act into Execution, and are hereby added to and joined with the Truſtees herein nominated, and their Succeſſors to be elected or appointed by virtue of this Act.

No Act valid unleſs at a Meeting.

Majority empowered to act.

Chairman to have the caſting Vote.

IV. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act (except as may be herein excepted), and that all the Powers and Authorities by this Act granted to the ſaid Truſtees ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall be preſent at any Meeting to be holden in purſuance of this Act, the Number of Truſtees preſent at every ſuch Meeting not being leſs than Five; and all the Orders and Proceedings of the major Part of the Truſtees preſent at ſuch their ſeveral Meetings ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being (ſave and except as may be herein excepted); and that 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 any ſuch Caſe it ſhall and may be lawful to and for ſuch Chairman to give the deciſive or caſting Vote.

Power to appoint new Truſtees.

V. And be it further enacted, That upon the Death, Refuſal, or Diſability of any of the ſaid Truſtees (ſave and except the Truſtees of the ſaid

ſaid Port, Harbour, and Town of *Whitehaven* hereby appointed, or of their Succeſſors to be elected in Manner herein-after mentioned to act in Execution of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining Truſtees from Time to Time to elect and appoint One other Perſon to be a Truſtee in the Room of each Truſtee ſo dying, refuſing, or being incapable of acting, and Notice of the Time and Place of the Meeting for every ſuch Election ſhall be ſigned by the Clerk to the ſaid Truſtees for the Time being, and ſhall be affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads Ten Days at leaſt before ſuch Meeting; and every Perſon ſo elected a new Truſtee as aforeſaid ſhall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full and ample a Manner as the Truſtees in whoſe Room or Stead he ſhall have been ſo elected.

Qualification of 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, unleſs he ſhall be in his own Right or in the Right of his Wife in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments of the clear yearly Value of Forty Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate of the Value of One thouſand five hundred Pounds, or ſhall be Heir Apparent to ſome Perſon poſſeſſed of an Eſtate in Land of the clear yearly Value of One hundred Pounds; and if any Perſon not being ſo qualified ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Thirty Pounds to any Perſon or Perſons who ſhall ſue for the ſame 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, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid, previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

Victuallers, &c. incapable of acting, &c.

VII. Provided alſo, and be it enacted, That no Perſon or Perſons who ſhall keep a Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying any Place or Places of Truſt or Profit under the ſaid Truſtees, or of collecting the Tolls hereby granted and made payable during ſuch Time as he, ſhe, or they ſhall keep ſuch Victualling Houſe, Alehouſe, or other Houſe of publick Entertainment; or ſhall ſell any Wine, Cyder, Beer, Ale, or Spirituous or other ſtrong Liquors by Retail; but no ſuch Perſon ſhall be precluded from farming ſuch Tolls, provided he, ſhe, or they do employ a Perſon or Perſons to collect ſuch Tolls who ſhall not be under ſuch Incapacity.

Truſtees may act as Juſtices, except where perſonally intereſted.

VIII. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace ſhall and may in their reſpective Juriſdictions,

dictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

First Meeting of Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the Court House in the Town of *Whitehaven*, on the last Day in the Month of *July* next after the passing of this Act, between the Hours of Ten in the Forenoon, and Two in the Afternoon, and shall then proceed to carry this Act into Execution; and in case none of the said Trustees shall attend such Meeting, then such Meeting shall be and be deemed to be adjourned to the next Day, (*Sunday*, *Good Friday*, *Christmas Day*, and Fast Days by Proclamation only excepted, and then to the next Day,) and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution of this Act, or until a Trustee or Trustees shall attend so as to adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there, or at any other Place near to the said Roads, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Ten Days then following, to be holden at the same Place, and the said Clerk shall cause Notice thereof to be affixed on all and every the Turnpikes that shall be standing on the said Roads, at least Five Days before the Day to which such Meeting shall be so adjourned, and the said Trustees shall at their several Meetings defray their own Expences; and 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.

Meetings on Emergencies.

X. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing signed by Five or more of the said Trustees mentioning the Time and Place and Purpose of such earlier Meeting being given to him or left at his last or usual Place of Abode) shall forthwith give Notice of such earlier Meeting in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, (such Time not being less than Five Days after such Notice,) and all Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

No Order to be revoked, unless at a Meeting for the Purpose, nor unless a Majority of the Trustees concur.

XI. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, signed by the Clerk to the said Trustees, be affixed on every the Turnpikes that shall be standing on the said Roads, at least Ten Days before such subsequent

Meeting, nor unleſs a Majority of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in favour of ſuch Revocation or Alteration, and a greater Number of Truſtees ſhall be preſent at ſuch ſubſequent Meeting than were preſent at the Meeting when ſuch Order, Appointment, or Proceeding was had or made.

Proceedings to be entered.

XII. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings, and all Entries in ſuch Book or Books, being ſigned by the Chairman and Clerk then preſent, or either of them, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Caſes, Suits, and Actions touching or concerning any Thing done in purſuance of this Act; and ſuch Book or Books ſhall at all the Meetings of the ſaid Truſtees be open and liable to the Inſpection of all and every of the ſaid Truſtees, and of the Creditors on the Tolls hereby granted and made payable; and any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Eightpence, and ſo in Proportion for any greater or leſs Number of Words.

Entries of Proceedings under former Act good Evidence.

XIII. Provided always, and be it enacted, That all and every Book or Books, in which any Entry or Entries of any Proceeding or Proceedings relating or in anywiſe appertaining to the ſeveral Roads to be amended, widened, and repaired by virtue of this Act, or any of them, or of any of the Truſtees, or other Perſon or Perſons acting by and under the Authority of the ſaid recited Acts, or any of them, ſo far as the ſame concern or relate to the ſaid Roads, (ſuch Entry or Entries being made in ſuch Book or Books according to the Directions of and made Evidence by the ſaid recited Acts, or any of them,) ſhall be and be deemed to be good and ſufficient Evidence of ſuch Proceedings in any Court whatſoever; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Truſtees to appoint Officers and remove them, and allow them Salaries.

XIV. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and a Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the ſaid Roads, and alſo ſuch other Officers and Perſons for the Execution of this Act as they the ſaid Truſtees ſhall think proper, and from Time to Time to remove ſuch Officers and Perſons reſpectively as they the ſaid Truſtees ſhall ſee Occaſion, and out of the Monies to be received by virtue of this Act to allow and pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons, as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from every ſuch Treaſurer and other Officer for the due Execution of his Office as they ſhall think proper; and all ſuch Officers ſo to be appointed ſhall, under their Hands at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed,

Truſtees to take Security from the Treaſurer.

Officers to account.

and for what Purpoſe, together with proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer ſhall on the laſt Day in the Month of *Auguſt* yearly, or at the Firſt Meeting of the ſaid Truſtees then next following, (although not thereunto required by the ſaid Truſtees,) lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved of; and all the ſaid Officers ſo accounting as aforeſaid ſhall upon Oath (which Oath any One of the ſaid Truſtees is hereby empowered to adminiſter) verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Ten Days after being thereunto required by the ſaid Truſtees, by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer, all Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in every ſuch Caſe upon Complaint made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, Town, or Place wherein ſuch Officer ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal for the Officer ſo refuſing or neglecting to appear before him, and upon his appearing or having been ſummoned, and not appearing or not being to be found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby empowered to adminiſter,) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or raiſed by virtue of this Act ſhall remain due from ſuch Officer, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer, and if no Goods or Chattels of ſuch Officer can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or willfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, Town, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Truſtees are hereby empowered to make and receive,) and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction

tion in respect thereof to the said Trustees: Provided always, that no such Officer or other Person so committed for Want of sufficient Distress shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

Officers acting under the Acts repealed, to account to the Trustees under this Act.

XV. And be it further enacted, That all and every Treasurer and Treasurers, Clerk and Clerks, and all and every other Person and Persons appointed by virtue of or acting, or who have acted in Execution of the said recited Acts, or any of them, so far as the same relate to or in anywise concern any of the Roads to be amended, widened, or repaired by virtue of this Act, who shall have in his, her, or their Custody or Power, any Monies collected by virtue of or any Books, Papers, or Writings relating to the Execution of the said recited Acts, or any of them, so far as the same relate to or in anywise concern any of the Roads to be amended, widened, and repaired by virtue of this Act, shall, when thereunto required, by Notice in Writing, signed by any Eleven or more of the said Trustees given to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode within Five Days after the Receipt of such Notice, deliver up to the said Trustees, or to such Person or Persons appointed by them for that Purpose, at the Time and Place to be mentioned in such Notice, all the Monies received by him, her, or them, by virtue of the said recited Acts, or of any of them, so far as the same relate to or in anywise concern any of the Roads to be amended, widened, or repaired by virtue of this Act, and all the Books, Papers, and Writings relating to the Execution thereof; and all the Accounts of the several Monies received or disbursed by him, her, or them, together with the Vouchers relating thereto; and every such Treasurer, Clerk, and other Person so accounting, shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify all their said Accounts; and if any such Trustee, Clerk, or other Person shall refuse or wilfully neglect to make and render or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating thereto, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver up in Manner aforesaid, all Books, Papers, and Writings relating to the Execution of the said recited Acts, or of any of them, so far as the same relate to or in anywise concern any of the Roads to be amended, widened, or repaired by virtue of this Act, or give Satisfaction to the said Trustees in respect of the same, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the County, Town, or Place wherein such Treasurer, Clerk, or other Person so refusing or neglecting shall be or reside, upon Complaint made to him by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Treasurer, Clerk, or other Person so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer,) it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of the said recited Acts, or of any of them, so far as the same relate to or in anywise concern any of the Roads to be amended, widened, or repaired by virtue of this Act, shall be due from

from such Treasurer, Clerk, or other Person, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be raised by Distress and Sale of the Goods and Chattels of such Treasurer, Clerk, or other Person as aforesaid; and if no Goods and Chattels of such Treasurer, Clerk, or other Person can be found, sufficient to answer and satisfy the said Money, and the Charges of distraining and selling such Goods and Chattels, or if it shall appear to such Justice that such Treasurer, Clerk, or other Person shall have refused or neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of the said recited Acts, or of any of them, so far as the same relate to or in anywise concern any of the Roads to be amended, widened, or repaired by virtue of this Act, shall be in the Custody or Power of such Treasurer, Clerk, or other Person, and he or they shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender 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 give and make a true and perfect Account, and make Payment as aforesaid, or until he shall compound with the said Trustees for the said Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive,) and until he shall deliver up all such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or other Person so committed for Want of sufficient Distress shall be confined or detained in Prison by virtue of this Act for any longer Space of Time than Three Calendar Months.

On the Death of a Gate-keeper, Trustees may nominate another, until the next Meeting.

XVI. And be it further enacted, That it shall and may be lawful to and for any Eleven or more of the said Trustees, upon the Death, Neglect, Refusal, or Incapacity to act, of any Collector of the Tolls hereby granted, by Writing under their Hands, to nominate and appoint some other fit Person in his or her Place, until the next Meeting of the Trustees of the said Roads, which Person so to be nominated and appointed shall have the like Power and Authority, and be accountable in the same Manner in all Respects as the Person in whose Room or Stead he or she shall be so appointed; and if any Collector of the said Tolls, who shall be discharged from his or her Office by the said Trustees, shall refuse to deliver up the Possession of the Toll House, Buildings, and Appurtenances which he or she enjoyed in Right of his or her Appointment to that Office within Three Days after Notice given to him or her, or left at such Toll House in Writing under the Hands of the said Trustees, or any Eleven or more of them, or if the Wife or Family of any such Collector who shall die as aforesaid, or any other Person who shall be in Possession of the Premises by any Means whatsoever, shall refuse to deliver up such House, Building, and Appurtenances within Three Days after Notice of such new Appointment being made as aforesaid, shall have been given to him, her, or them, or left at such Toll House, signed by any Eleven or more of the said Trustees, then and in either of the said Cases it shall and may be w ful to and for any Justice of the Peace for the County, Town, or a ce where such Toll House shall stand or be, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assist-

If discharged Gatekeeper refuses to deliver up Toll Houses, &c. any Justice may cause him to be put out.

ance as shall be necessary, to enter such Toll House and Premises in the Day Time, and to remove the Persons who shall be found therein, together with their Goods and Chattels, out of such Toll House and other Premises, and to put the new-appointed Collector in Possession thereof.

Trustees empowered to erect Turnpikes and Toll Houses and receive Tolls.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered to continue the several Turnpikes already erected on the said Roads, and (in case they shall think proper) to cause to be erected such and so many other Turnpikes to secure the Tolls hereby granted upon or across the said Roads, and on or near the Sides thereof, in, near unto, or across any Lanes or Ways leading or that may hereafter lead out of the same, and to continue the present Toll Houses, and to erect or cause to be erected such and so many other Toll Houses as they shall think proper; and it shall and may be lawful to and for the said Trustees, and they are hereby empowered, in Manner herein directed for the purchasing or taking Land for the turning or widening of the said Roads, to purchase and take Land sufficient for such Toll House or Toll Houses, with necessary Accommodations thereto, and from Time to Time to remove, alter, or discontinue such Turnpikes and Toll Houses, or any of them, as they the said Trustees shall from Time to Time think meet and expedient; and it shall and may be lawful to and for the said Trustees to demand and take, or cause to be demanded and taken at the said Turnpikes, the Tolls following, before any Carriage, Horse, or other Beast or Cattle, shall be permitted to pass through the same; (that is to say),

Tolls.

For every Horse, or other Beast of Draught, drawing any Coach, Sociable, Berlin, Landau, Chariot, Vis-à-Vis, Chaise, Calash, Chaise Marine, Curricle, Chair, Gig, Whiskey, Caravan, Hearse, Litter, Waggon, Wain, Cart, Dray, or other Carriage, the Sum of Sixpence:

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

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Ten Pence *per* Score; and so in Proportion for any greater or less Number.

Tolls vested in the Trustees.

XVIII. And be it further enacted, That the said Tolls shall be and they are hereby vested in the said Trustees, and a Table thereof shall be put up and continued at each and every Turnpike erected on the said Roads; and it shall and may be lawful to and for the several Persons, who shall by virtue of this Act be appointed Collectors of the said Tolls, to demand, collect, and receive the said Tolls; and if any Person or Persons subject to the Payment of any of the said Tolls shall, after Demand made thereof by any Collector of the said Tolls to be appointed as aforesaid, neglect or refuse to pay the same, or any Part thereof, it shall and may be lawful to and for such Collector to seize and distrain or cause to be seized and distrained any Carriage, Horse or Horses, or other Beast or Cattle chargeable with the said Tolls, or any of them, or the Bridles, Saddles, Harness, or Accoutrements of such Horse, or other Beast or Beasts, or any Part or Parts thereof; and if such Tolls, or any Part or Parts thereof, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within Six Days next

next after such Seizure and Distress made, the Collector so seizing or distraining shall and may sell or cause to be sold the Carriage, Horse or Horses, Beast or Beasts, or other Cattle, and their Bridles, Saddles, Harness, and Accoutrements so seized and distrained, or any Part or Parts thereof, at or near to the Turnpike where the said Tolls ought to have been paid, rendering the Overplus (if any) upon Demand to the Owner or Owners thereof, after such Tolls, and all reasonable Costs and Charges for distraining, keeping, and selling the same, shall be deducted and paid.

Disputes respecting Tolls and Charges to be settled by a Justice.

XIX. And be it further enacted, That if any Dispute shall arise about the Quantity of Tolls due, or the Costs and Charges of distraining, keeping, or selling any Distress, it shall and may be lawful to and for the Collector or Person so distraining to detain the Distress, or the Money arising from the Sale thereof, until the Quantity of the Tolls or the Charges of distraining, keeping, and selling the Distress, [*as the Case may be,*] shall be ascertained by some Justice of the Peace for the County, Town, or Place wherein such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the said Matter upon the Oath or Oaths of the Parties or other Witness or Witnesses, and shall determine the Quantity of Tolls due, and shall also assess the Charges of such Distress and Sale, and all other reasonable Costs, all which Sum or Sums so determined or assessed shall be paid to the Collector before he shall be obliged to return the said Distress, or the Overplus after the Sale thereof, or any Part thereof.

Turnpikes vested in the Trustees.

XX. And be it further enacted, That the Right and Property of the Turnpikes and Toll Houses erected by virtue of the said recited Acts, or any of them, and of all the Turnpikes and Toll Houses, and other Buildings to be erected by virtue of this Act, with the Ground, Fences, and Appurtenances thereto respectively, and of all Gates, Posts, Rails, Bars, Fences, Mile Stones, Tables of Tolls, and Posts erected and to be erected, and also of all Materials, Tools, and Implements which are or shall be provided for making and repairing the said Roads, or any of them, by virtue of the said recited Acts, or any of them, or of this Act, shall be vested in the Trustees hereby appointed, and they are hereby empowered to cause any Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred against any Person who shall steal, break down, take away, injure, or spoil any such Turnpike, Toll House, or other Building, Fence, Mile Stone, Table of Tolls, Post, or any of such Materials, Tools, or Implements as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be and be deemed to be sufficient to state generally that the Article or Articles, Thing or Things, for which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for maintaining and repairing the said Roads leading to and from the Port, Harbour, and Town of *Whitehaven* in the County of *Cumberland*, without particularly mentioning or specifying the Name or Names of any of the said Trustees.

Tolls in certain Parts to be paid Once only for passing and repassing.

XXI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable any Collector of the said Tolls to demand or take any more than One Toll from any Person

ſon or Perſons whomſoever for or in reſpect of the ſame Carriage, Horſe, Beaſt, or other Cattle paſſing Once and repaſſing Once in the ſame Day (ſuch Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) through the ſame or any other Gate or Gates, Turnpike or Turnpikes, on any of the ſaid Roads, all and every ſuch Perſon and Perſons producing a Ticket denoting that ſuch Toll hath been paid on that Day for or in reſpect of ſuch Horſe, Beaſt, or other Cattle, on the ſaid Roads, which Ticket the ſaid Collector is hereby required to deliver gratis on Payment of ſuch Toll.

Collectors of Tolls to be competent Witneſſes.

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

Penalty on evading the Tolls.

XXIII. And, for preventing the evading of the Payment of the ſaid Tolls, be it further enacted, That if any Perſon or Perſons ſhall give, offer, or diſpoſe of to or receive from any other Perſon or Perſons any ſuch Ticket as aforeſaid, or ſhall counterfeit or knowingly make uſe of any counterfeited Ticket in order to evade Payment of the ſaid Tolls, or any Part thereof; or if any Perſon or Perſons farming, renting, or occupying any Lands adjoining to the ſaid Roads near unto any Turnpike erected thereon, ſhall permit or ſuffer any Perſon or Perſons to paſs through or over any Part of his, her, or their ſaid Lands, with any Horſe, or other Beaſt or Cattle, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall ride or drive any Horſe, or other Beaſt, Cattle, or Carriage, through or over any Way or Paſſage (not being a publick Way or Paſſage), or through or over any Lands adjoining to any Part of the ſaid Roads, or near to any of the ſaid Turnpikes, or ſhall take off or cauſe to be taken off any Horſe or other Beaſt from any Carriage, whereby the Payment of any of the ſaid Tolls, or any Part thereof, is or ſhall be avoided, every ſuch Perſon ſo offending in any of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, One Half whereof ſhall go to the Informer, and the other Half ſhall be applied to the Purpoſes of this Act.

General Exemptions.

XXIV. And be it further enacted, That no Toll ſhall be demanded or taken for any Carriage, Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the ſame Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the ſaid Roads, or any of the Roads in the Townſhips or Pariſhes in which any Part of ſuch Roads doth lie, or Hay, Straw, or Corn in the Straw only, not ſold or diſpoſed of, but paſſing to be laid up or placed in the Out-houſes or on the Lands of the Owners thereof; or for any Carriage, Horſe, Cattle, or Beaſt employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Huſbandry, or any Mould, Dung, Compoſt,

or Manures employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands, or for any Horses or Cattle going to or returning from Pasture or Watering Places, or going to be or returning from being shoed; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship tolerated by Law on any *Sunday*, or on 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 from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Beast, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Beast, Cattle, or Carriage attending any Soldiers upon their March, or on Duty, or attending them with their Arms or Baggage; or for any Horse, Mare, or Gelding furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise: Provided always, that such Persons are 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; or for any Horse, Cattle, Beast, or Carriage 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 said County of *Cumberland* on the Day or Days of such Election, or on the Day before or Day after such Election shall begin or be concluded; 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 Half whereof shall go to the Informer, and the other Half shall be applied to the Purposes of this Act.

Trustees may reduce the Tolls, &c. with the Consent of the Creditors.

XXV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby empowered, at any Meeting to be holden for that Purpose, of which Meeting Notice shall be affixed on all and every the Turnpikes that shall be standing on the said Roads, from Time to Time to lessen or reduce all or any Part or Parts of the Tolls granted by this Act, and also any additional Tolls payable by any Act or Acts of Parliament now in force for Overweight, in such Manner as to them shall seem fit and convenient, for and during such Time as they the said Trustees shall think proper, and afterwards at a Meeting to be holden as aforesaid from Time to Time, if they shall see Occasion, to advance all or any of the Tolls so lessened or reduced to any Sum or Sums of Money, not exceeding the several Rates granted by this Act, or now made payable by any Act or Acts of Parliament now in Force and Effect with respect to Overweights: Provided nevertheless, that when the whole Money charged and borrowed on the Credit of the said recited Acts (so far as the same relate to or in anywise concern any of

the Roads to be amended, widened, or repaired by this Act) and of this Act, or any or either of them, ſhall not have been paid or diſcharged, the Tolls hereby granted ſhall not be leſſened or reduced without the Conſent of the Perſon or Perſons entitled to Five Sixth Parts of the Money remaining due upon the Credit of the ſaid recited Acts, or any of them, and of this Act.

Tolls may be let.

XXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered at any Meeting, upon Fourteen Days Notice being affixed on all and every the Turnpikes that ſhall be ſtanding on the ſaid Roads, to let or farm the Tolls to be collected by virtue of this Act, or any Part or Parts thereof, to any Perſon or Perſons, at and for the largeſt yearly Sum that can be reaſonably got for the ſame, provided that the Leaſes, Contracts, or Agreements of or for the ſame be in Writing, and be duly executed by the Perſon or Perſons taking or farming ſuch Tolls, and alſo by any Eleven or more of the ſaid Truſtees, but the ſame ſhall not be let for more than Three Years at any One Time, and the Rent which ſhall be agreed to be paid for the ſaid Tolls ſhall be made payable and ſhall be paid to the Treaſurer to the ſaid Truſtees, ſo as that Six Calendar Months Payment of ſuch Rent ſhall always be in Advance, or ſufficient Security ſhall be given for the Payment of ſuch Rent to the Satisfaction of the ſaid Truſtees, or in Default thereof every ſuch Leaſe, Contract, or Agreement ſhall be null and void to all Intents, Purpoſes, and Conſtructions whatſoever.

Leſſees or Perſons appointed by them may collect the Tolls.

XXVII. And be it further enacted, That during ſuch Time as the ſaid Tolls, or any Part or Parts thereof, ſhall be leaſed, demiſed, or in farm to any Perſon or Perſons whomſoever, it ſhall and may be lawful to and for the Leſſee or Leſſees, Farmer or Farmers thereof, or ſuch other Perſon or Perſons as he or they ſhall by Writing or Writings under his, her, or their Hand or Hands, authorize or appoint, to demand and take the ſaid Tolls ſo leaſed, demiſed, or farmed, with the like Powers for the Recovery thereof, to all Intents and Purpoſes, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is hereby authorized and empowered to demand, take, and recover the ſame; and ſuch Leſſee or Leſſees, Farmer or Farmers, or other Perſon or Perſons as aforeſaid, ſhall be ſubject to the like Pains, Penalties, and Forfeitures, and ſhall be liable to the like Actions and Proſecutions, as any Collector of the ſaid Tolls appointed by the ſaid Truſtees is ſubject or liable to.

Truſtees may compound for Tolls.

XXVIII. 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 One Year, for any Horſes, Beaſts, or Cattle paſſing on the ſaid Roads, or on any Part or Parts thereof, for all or any of the Tolls to be paid in reſpect of ſuch Horſes, Beaſts, or other Cattle; and all ſuch Compoſition Money ſhall be paid in Advance Quarterly, or otherwiſe, as the ſaid Truſtees ſhall appoint, and in Default thereof every ſuch Compoſition ſhall be null and void to all Intents and Purpoſes whatſoever.

Mortgages, &c. to be deemed as

XXIX. Provided always, and be it further enacted, That all Bonds, Mortgages, Aſſignments, Grants, Conveyances, Leaſes, and other Securities

rities made or granted to or by any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, or any others whomſoever, acting by or under the Authority of the ſaid recited Acts, or any of them, ſo far as the ſame relate to or in anywiſe concern any of the Roads to be amended, widened, or repaired by virtue of this Act, ſhall be as good, valid, binding, and effectual for and during the Continuance of this Act, as if ſo much of the ſaid recited Acts as relates to or in anywiſe concerns the ſeveral Roads therein mentioned and deſcribed had not been repealed; any Thing herein contained to the contrary thereof notwithſtanding.

valid as if the former Acts were not repealed.

XXX. And, for the more ſpeedy raiſing ſuch further Money as may be neceſſary for the Purpoſes of this Act, be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered from Time to Time to borrow and take up at Intereſt ſuch Sum and Sums of Money as they ſhall judge neceſſary for the Purpoſes of this Act, and by Writing under their Hands and Seals to aſſign over or mortgage the Tolls hereby granted, or any Part thereof, and the ſeveral Turnpikes and Toll Houſes erected or to be erected on the ſaid Roads (the Charges of ſuch Aſſignments and Mortgages to be paid out of the ſaid Tolls) for any Term during the Continuance of this Act, as a Security for the Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to the Perſon or Perſons who ſhall advance and lend ſuch Money, his, her, or their Executors, Adminiſtrators, and Aſſigns, ſuch Intereſt to be paid and payable by equal Half-yearly Payments, at the Dwelling Houſe of the Treaſurer to the ſaid Truſtees for the Time being, all which Mortgages or Aſſignments ſhall be in the Words, or to the Effect following:

Old Securities to be good.

Truſtees may borrow Money.

'BY virtue of an Act, made in the Forty-ſixth Year of the Reign of King *George* the Third, [*ſet forth the Title of this Act*], we, whoſe Names are hereunto ſubſcribed and Seals affixed (being Truſtees acting in Execution of the ſaid Act), in Conſideration of the Sum of to the Treaſurer of the ſaid Roads in Hand paid by *A. B.* do hereby grant, bargain, ſell, and demiſe unto the ſaid *A. B.* Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Tolls ariſing by virtue of the ſaid Act, and alſo of the Turnpikes and Toll Houſes for collecting the ſame, as the ſaid Sum of doth or ſhall bear to the whole Sum charged and advanced or to be charged or advanced on the Credit of the ſaid Tolls to be had and holden from this Day of in the Year of our Lord for and during the Continuance of the ſaid Act, unleſs the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum*, ſhall be ſooner repaid and ſatisfied. Given under our Hands and Seals this Day of in the Year of our Lord

Form of Mortgage.

And Copies of all ſuch Mortgages or Aſſignments ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk or Clerks to the ſaid Truſtees, and ſuch Book or Books ſhall and may at all ſeaſonable Times be peruſed and inſpected without Fee or Reward; and all Mortgages or Aſſignments which ſhall be made in the Manner and Form aforeſaid, and the Mortgages or Aſſignments which were made in the Manner and Form preſcribed by the ſaid recited Act, ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever; and all Perſons to whom any

Copies of Mortgages to be entered.

any ſuch Mortgages or Aſſignments reſpectively have been or ſhall be made as aforeſaid, or who are or ſhall be entitled to the Money thereby reſpectively ſecured, may from Time to Time aſſign and transfer the ſame Security or Securities reſpectively, and all Benefit and Advantage thereof, and all their Right, Title, and Intereſt to the Principal and Intereſt Money thereby reſpectively ſecured, or any Part thereof, to any Perſon or Perſons whomſoever, by Writing under their Hands and Seals, in the Words or to the Effect following:

Form of Transfer,

'I *A. B.* being entitled to the Sum of ſecured to Executors, Adminiſtrators, and Aſſigns, by virtue of a Mortgage or Aſſignment, bearing Date the Day of under the Hands and Seals of of the Truſtees acting in Execution of an Act, made in the Forty-ſixth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of this Act*], or of an Act made in the Thirteenth Year of the Reign of King *George* the Second, or of an Act made in the Second or Twenty-eighth Years of the Reign of King *George* the Third, intituled, [*ſet forth the Titles of the ſaid recited Acts, or any of them, as the Caſe may be*], upon the Credit of the ſaid Act, do hereby transfer all my Right and Title in and to the ſame, and all the Principal and Intereſt Money now due and owing thereon, unto *C. D.* Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord

And every ſuch Transfer ſhall be produced and notified to the Clerk to the ſaid Truſtees within One Calendar Month next after the Date thereof, who ſhall cauſe an Entry or Memorial to be made thereof containing the Date, Names of the Party, and Sum of Money therein mentioned to be transferred, in the ſaid Book or Books to be kept for entering the ſaid original Mortgages or Aſſignments to be made by virtue of this Act, and for which Entry the Clerk who ſhall enter the ſame ſhall be paid Five Shillings, and no more; and after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon; and after ſuch Entry or Memorial made thereof as aforeſaid, it ſhall not be in the Power of any Perſon or Perſons making ſuch Transfer to make void, releaſe, or diſcharge the ſame, or the Monies thereby due, or any Part thereof; and all Perſons to whom ſuch Mortgages, Aſſignments, or Transfers ſhall be made as aforeſaid, (as well ſuch Mortgages or Aſſignments made by virtue of the ſaid recited Acts, or of any of them, ſo far as the ſame relate to, or in anywiſe concern any of the Roads to be amended, widened, or repaired by virtue of this Act, as of this Act,) ſhall be in proportion to the Sums therein reſpectively mentioned Creditors on ſuch Tolls, Turnpikes, and Toll Houſes, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Monies, or of the Dates of ſuch Mortgages or Aſſignments: Provided nevertheleſs, that before any Sum or Sums of Money ſhall be taken up or borrowed, Fourteen Days Notice at the leaſt ſhall be given of the Intention of borrowing ſuch Money, by affixing the ſame on all and every the Turnpike Gates erected on the ſaid Roads.

Truſtees to give Fourteen Days Notice previous to borrowing Money,

Truſtees may turn or alter the Courſe

XXXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby fully empowered, from Time

Time to Time as they ſhall think proper, to divert, widen, turn, ſhorten, vary, or alter the Courſe or Path of any Part or Parts of the Roads comprized in this Act, and that any Variation of Road may be made of any Width, not exceeding Sixty Feet, through any Common or Waſte Ground, without making any Satisfaction for the ſame, and through any private or incloſed Lands, Grounds, or Hereditaments, firſt making Satisfaction to the Owners thereof and Perſons intereſted therein for the Damage they may ſuſtain thereby; and for that Purpoſe it ſhall and may be lawful to and for the ſaid Truſtees, or for their Clerk, or any other Perſon or Perſons by them duly authorized and deputed for that Purpoſe, by Order of a Meeting of the ſaid Truſtees, to treat, contract, and agree with the Owners of and Perſons intereſted in any Lands, Tenements, or Hereditaments, for the Purchaſe thereof or for the Loſs or Damage ſuch Owners or Perſons intereſted may ſuſtain by the making, widening, diverting, turning, or altering the Courſe or Path of any Part or Parts of the ſaid Roads through ſuch Lands, Tenements, and Hereditaments; and the ſaid Lands, Tenements, and Hereditaments ſo purchaſed, or any Part thereof, ſhall and may, by Order and Direction of the ſaid Truſtees, be laid into and made Part of the ſaid Roads, in ſuch Manner as the ſaid Truſtees ſhall think convenient, and ſhall by ſuch Perſon or Perſons as they ſhall order and appoint be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after the ſaid Lands or Ground ſhall be ſo drained, ditched, and fenced out, the ſame ſhall to all Intents and Purpoſes whatſoever become and be deemed and taken to be a publick and common Highway, and to be Part of the Roads to be amended, widened, and kept in Repair by virtue of this Act, and ſhall be repaired and kept in Repair by ſuch Ways and Means, and in ſuch Manner, as the old Road was and ought to have been kept in Repair; and, after any ſuch Lands ſhall be made Part of the ſaid Roads as aforeſaid, the Lands and Grounds comprized in or conſtituting the former Road, in lieu whereof ſuch Lands or Grounds ſhall be purchaſed as aforeſaid, ſhall be ſold by the ſaid Truſtees to ſuch Perſon or Perſons as ſhall be willing to become a Purchaſer or Purchaſers thereof, for the beſt Price that can reaſonably be had or gotten for the ſame, and the Conveyance thereof being executed by the ſaid Truſtees, and enrolled with the Clerk of the Peace for the ſaid County of *Cumberland*, ſhall be good and effectual to all Intents and Purpoſes whatſoever.

of any Part of the Roads, and may contract for the Purchaſe of Lands for that Purpoſe.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, 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, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees of Idiots and Lunaticks, and Huſbands, and all other Truſtees whomſoever, for and on Behalf of any Infants, Femes Covert, or other Ceſtuique Truſt, Idiots, Lunaticks, or other Perſons under any Diſability of acting for themſelves; and for all and every Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Tenements, or Hereditaments, to treat and agree with the ſaid Truſtees for the abſolute Sale thereof, or of any Part thereof, or for their Intereſt therein, and to convey the ſame to the ſaid Truſtees for the Purpoſes aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes whatſoever; any Law, Uſage, or other Matter or Thing to the contrary thereof in anywiſe notwithſtanding; and that all

Corporations, &c. empowered to treat.

such Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and other Persons, are and shall be indemnified for what they do by virtue and in pursuance of this Act.

In case of Persons refusing to treat, or not agreeing, a Jury to settle the Recompence.

XXXIII. And be it further enacted, That if any Owner, Proprietor, Occupier of or other Person or Persons interested in any Lands, Tenements, or Hereditaments, which the said Trustees shall judge necessary or proper to be purchased, taken, or used for the Purposes of this Act, or any such Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or head Officer of any such Body Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Trustees, shall, for the Space of Fourteen Days next 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, or otherwise, shall be prevented from treating, then and in every such Case it shall and may be lawful to and for the said Trustees to cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Cumberland*, according to the Jurisdiction in which the Premises in Question shall be situate, (which Oaths the said Trustees, or any Two or more of them, are hereby empowered to administer,) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or upon Account of the taking or using of such Lands, Tenements, or Hereditaments for the Purposes of this Act; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered and required from Time to Time to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury upon Oath (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer); and they shall order and cause the said Jury to view the Place in Question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and, after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and Persons anywise interested in such Lands, Tenements, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property of, in, to, or out of the same; and upon Payment of the Money so assessed to

the

the respective Persons entitled thereto, or their Agents, or (in case of Refusal to accept such Money) upon paying the same into the Bank of *England*, in Manner by this Act directed, it shall and may be lawful to and for the said Trustees to cause the Premises, in respect whereof such Money shall be assessed, to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning such Jury, the said Trustees are hereby empowered to issue out their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the said County of *Cumberland*, thereby commanding and requiring such 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 such Sheriff, or his Deputy, is hereby required thereupon to impannel, summon, and return such Twenty-four Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service to the Number of Twelve: Provided always, that all Persons concerned shall have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to; and the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriff, or his Deputy, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give or shall not give his or their Verdict on the Matter in Question, or shall in any other Manner wilfully neglect his or their Duty therein, and on any of the Persons who being summoned or required to give Evidence before the said Jury, touching the Premises, shall neglect or refuse to appear, or refuse to be sworn or be examined, or give Evidence touching the same; but no such Fine shall exceed Five Pounds upon any One Person for One Offence.

Juries may be challenged.

Sheriffs, &c. may be fined for Neglect of Duty.

XXXIV. Provided always, and be it further enacted, That wherever the Course of any Part of the said Roads shall be altered by this Act, and a new Road opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road shall be first made to the Owner of such adjoining Land which shall be cut and used for the Purpose of making such new Road; and in case such Owner shall be desirous of becoming the Purchaser of such old Road, and cannot agree with the said Trustees for the Price to be paid for the Purchase of the same, and such Owner shall still be desirous of becoming the Purchaser thereof, then and in such Case the Value thereof shall be settled and ascertained by a Jury, in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is directed to be settled and ascertained in and by this Act, and such Owner shall be deemed the Purchaser thereof at the Sum to be ascertained

Owners of Lands used in making a new Road to have the first Offer of the old Road.

tained by the Jury to be the Value thereof; and in caſe ſuch Owner ſhall refuſe to pay ſuch Money, upon Demand made thereof by the Treaſurer or Clerk to the ſaid Truſtees, and Tender of the Conveyance of ſuch old Road, the ſame ſhall and may be recovered by the ſaid Truſtees by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*; and in caſe any ſuch Owner ſhall not agree, or ſhall refuſe to purchaſe any ſuch old Road, it ſhall and may be lawful to and for any Perſon or Perſons (not intereſted in the Premiſes) to make an Affidavit, to be ſworn before a Maſter Extraordinary of the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County, Town, or Place where ſuch old Road ſhall lie, ſtating that ſuch Offer has been made by or on Behalf of the ſaid Truſtees, and that ſuch Owner has not agreed or has refuſed to purchaſe ſuch old Road [*as the Caſe may be*]; and ſuch Affidavit ſhall in all Courts whatſoever be ſufficient Evidence and Proof that ſuch Offer was made and not agreed to, or refuſed by ſuch Owner: Provided nevertheleſs, that if the Lands of Two or more Perſons ſhall be taken for any ſuch new Road as aforeſaid, each and every ſuch Owner ſhall be entitled to the Firſt Offer of ſo much of the old Road as is lying immediately adjoining to his, her, or their Land reſpectively in Manner aforeſaid: Provided alſo, that if ſuch Owner or Owners reſpectively ſhall be willing, and conſent to take ſuch old Road in Exchange for ſuch new Road, it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby required to aſſure the ſame to ſuch Perſon or Perſons by entering the ſame in their Books, and delivering to him or them a Copy of the Entry thereof, ſigned by any Five or more of the ſaid Truſtees; which Copy ſhall be a good and valid Title to the ſame, and be available in any Suit in Law or Equity.

By whom the Expences of the Jury to be paid.

XXXV. And be it further enacted, That in caſe any ſuch Jury ſhall give in or deliver a Verdict or Aſſeſſment for more Money than ſhall by or on Behalf of the ſaid Truſtees have been offered before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for leſs Money than ſhall have been offered to be accepted or taken on Behalf of the ſaid Truſtees as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and returning the Jury and Witneſſes ſhall be borne and paid by the ſaid Truſtees out of the Money ariſing by virtue of this Act; but if any ſuch Jury ſhall give and deliver a Verdict or Aſſeſſment for no more or for leſs Money than ſhall by or on Behalf of the ſaid Truſtees have been offered before the ſummoning and returning ſuch Jury, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, or Damage as aforeſaid, or for the ſame, or any more Money than ſhall have been offered to be accepted or taken as the Purchaſe Money for any ſuch old Road as aforeſaid, then and in every ſuch Caſe the Coſts and Charges of ſummoning and returning the ſaid Jury and Witneſſes 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 ſhall be aſcertained and ſettled by ſome Juſtice of the Peace not intereſted in the Matter in Queſtion, and within whoſe Juriſdiction ſuch Controverſy or Diſpute ſhall ariſe, (who is hereby authorized and required to examine and ſettle the ſame,) and 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 and Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment and 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 to the said Trustees, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating with the said Trustees, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

Trustees to pay Expences where Persons from Absence are prevented from treating,

XXXVI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable the said Trustees to take, use, injure, or damage any Dwelling House, or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners, Proprietor or Proprietors.

Houses, &c. not to be injured.

XXXVII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of 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 Body Politick, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatick, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 *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 or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled 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

Application of Compensation, if amounting to 200 *l.*

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, and Hereditaments so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application of Compensation if less than 200*l.* and exceeding 20*l.*

XXXVIII. Provided always, and be it 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 exceed or be equal to 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, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Eleven or more of the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation, if less than 20*l.*

XXXIX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the 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, 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.

In case of not making out Titles; or if Persons cannot be found, Purchase

XL. 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 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, Tenements, or Hereditaments 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 Eleven 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, and Diſpoſition of the ſaid Court of Chancery, which 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 Publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England* who ſhall receive ſuch Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Money to be paid into the Bank, ſubject to the Order of the Court of Chancery, on Motion or Petition.

XLI. 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 Court of Chancery in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this 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 and 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.

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

XLII. Provided alſo, and be it further enacted, That when 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

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

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 this Act, it ſhall and may be lawful to and for the ſaid 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.

For getting Materials to repair the Roads.

XLIII. And be it further enacted, That it ſhall and may be lawful to and for the Surveyor or Surveyors of the ſaid Roads, and to and for all ſuch Perſons as he or they reſpectively ſhall appoint, to ſearch for, cut, dig, get, gather, and take away any Furze, Heath, Beach, Stones, Gravel, Sand, or other Materials for making or repairing the ſaid Roads out of or from any Common or Waſte Ground, Sea Shore or Strand, River or Brook, in any Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict or Place in which any Part of the Roads hereby directed to be made, amended, and repaired, ſhall lie, or in any neighbouring Pariſh, Townſhip, Hamlet, Diviſion, Diſtrict or Place, without paying any Thing for the ſame, the ſaid Surveyor or Surveyors, or other Perſon or Perſons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or ſloping down the Banks where ſuch Materials ſhall be taken, or railing or fencing off ſuch Pits or Quarries, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo that ſuch Surveyor, or other Perſons as aforeſaid, may, by Order of the ſaid Truſtees, (ſuch Order to be made at ſome Meeting of the ſaid Truſtees to be holden in purſuance of this Act, and a Copy thereof to be given to ſuch Surveyor or Surveyors, atteſted and ſigned by the Clerk to the ſaid Truſtees) ſearch for, cut, dig, get, gather, and take away any ſuch Materials as aforeſaid, in, off, from, and out of the private Lands, Fields, or Grounds of any Perſon or Perſons (where the ſame may be had or found), ſuch Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a Houſe, or any Piece of Ground planted and ſet apart as a Nurſery for Trees, making or tendering ſuch Satisfaction for the Damages done thereby to the Owners and Occupiers of ſuch Grounds where and from whence the ſame ſhall be cut, dug, gotten, gathered, and carried away, or over which the ſame or any other Materials for making and repairing the ſaid Roads ſhall be carried, according to their reſpective Rights and Intereſts in ſuch Grounds, as the ſaid Truſtees ſhall judge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons employed as aforeſaid, and the ſaid Owners and Occupiers, or any of them, concerning ſuch Damages, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace of the County, Town, or Place where ſuch Materials ſhall be ſo cut, dug, gotten, gathered, taken, and carried away, or over, on Three Days Notice thereof in Writing being given by either Party to the other, or left at their reſpective Places of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages, and the Judgement or Order of the ſaid Juſtices ſhall be final and concluſive to all Parties.

XLIV. Provided

Notice to be given to the Occupiers of incloſed Lands before Materials are to be taken.

XLIV. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or other Perſon or Perſons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing ſuch Roads out of or from any incloſed Lands or Grounds, until Notice in Writing, ſigned by the Surveyor, ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or Two or more Juſtices of the Peace acting for the County, Town, or Place where ſuch Premiſes ſhall lie, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands or Grounds, and in caſe ſuch Occupier or his Agent ſhall attend purſuant to ſuch Notice, but ſhall not ſhew ſufficient Cauſe to the contrary, then and in ſuch Caſe the ſaid Truſtees or ſuch Juſtices ſhall and may authorize ſuch Surveyor or other Perſon or Perſons to dig, get, gather, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees or Juſtices ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent purſuant to ſuch Notice, the ſaid Truſtees or Juſtices ſhall and may make ſuch Order therein as they reſpectively ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended.

Penalty on taking away Materials got by Order of the Surveyor.

XLV. And be it further enacted, That if any Perſon or Perſons whoſoever ſhall remove or take away the Stones or Gravel, or any Materials laid upon the ſaid Roads, or upon any Part thereof, for the Repair thereof, without the Order of the ſaid Truſtees, or of their Surveyor or Surveyors for that Purpoſe, or if any Perſon or Perſons whoſoever ſhall take away any Stones or Gravel, or Materials which ſhall have been dug or gathered by or by the Order of the ſaid Truſtees, or their Surveyor or Surveyors, in any Lands, Fields, Waſte or Grounds, River or Brook, for the Purpoſe of amending the ſaid Roads, or any Part or Parts thereof, or ſhall get or take away any Stones or Gravel, or Materials, out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for amending the ſaid Roads, or any Part or Parts thereof, before the ſaid Surveyor or Surveyors, or his or their Workmen, ſhall have diſcontinued working therein, for the Space of Three Weeks, (except the Owner or Occupier of any private Ground, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his or her own private Uſe only, and not for Sale,) every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Surveyors to make Drains, &c.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and to and for any Perſon or Perſons whom he or they ſhall appoint, by Order of the ſaid Truſtees, to cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part of the ſaid Roads, in ſuch Manner as ſuch Surveyor or Surveyors ſhall deem and judge neceſſary and proper for amending or keeping in Repair any Part of the ſaid Roads, and alſo to make a Way or Ways through the Lands or Grounds adjoining to any narrow or ruinous Part or Parts of the ſaid Roads, (not being a Garden, Orchard, Park, Yard, Paddock, planted Walk, or Avenue to any Houſe,) to be made uſe of as a publick Highway whilſt the narrow or ruinous Parts of the ſaid Roads are widening or repairing, and until the ſame ſhall be convenient and ſafe for the Paſſage of Travellers and Carriages, making ſuch reaſonable Satisfaction to the Owners and Occu-

piers of such Lands respectively, through and into which any such Drain shall be cut, or on or over which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees; and in case any Difference shall happen between such Owners or Occupiers, and such Trustees, touching such Damage, then and in every such Case the Justices of the Peace for the first General or Quarter Sessions of the Peace, to be holden for the said County of *Cumberland*, next after the Expiration of Five Days from the Time of doing such Damage, shall and they are hereby authorized and required to hear, settle, and determine the same, and their Determination therein shall be final and conclusive.

Surveyor may remove Annoyances.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, (by Direction and under the Hands of any Five or more of the said Trustees,) from Time to Time to remove and prevent all Annoyances on any Part or Parts of the said Roads, by Rails, Steps, Sign Posts, or other Posts, and also by Filth, Dung, Ashes, Rubbish, or otherwise, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any Part of the said Roads, to the Prejudice thereof, and to make the same as large and deep as he or they shall think proper, and to cleanse any Ditch or Watercourse next adjoining to any Part of the said Roads, and to cut down, lop, or top any Trees or Bushes growing in any Part of the Roads, or in the Hedges or Banks adjacent thereto, in case the Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect to do so for the Space of Three Days next after Notice in Writing given for that Purpose, signed by any Five or more of the said Trustees, or by their Surveyor or Surveyors, the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not upon Demand pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and, if after the Removal of any of the said Annoyances any Person shall again offend in the like Manner, every Person so offending shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Five Pounds, One Half whereof shall go to the Informer, and the other Half shall be applied to the Purposes of this Act.

Penalty for drawing Timber or Stone on the Roads otherwise than upon a Wheel Carriage.

XLVIII. And be it further enacted, That, if any Person shall hale or draw or cause to be haled or drawn upon any Part of the said Roads, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree or Piece of Timber which shall be conveyed upon any Wheel Carriage to drag upon any Part of such Road to the Prejudice thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds, nor less than One Pound.

Roads to be measured, and Miles Stones to be set up.

XLIX. And be it further enacted, That the said Trustees shall and may cause the said Roads to be measured, and Mile Stones to be set up at or near the Sides thereof at the Distance of One Mile from each other; and

Posts

Posts to be erected to denote the Distance of every such Post from any Town or Place, as the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Roads where the same are crossed or joined by other Roads as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Mile Stone, Table of Tolls, or Post erected or to be erected on any Part of the said Roads, or any of the Letters, Figures, or Marks inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, or any Arch or Arches, on any Part or Parts of the said Roads, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for each and every Stone, Table of Tolls, Post, or Parapet Wall, and Arch so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Half whereof shall go to the Informer, and the other Half shall be applied to the Purposes of this Act.

For preventing Annoyances, &c.

L. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive, or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of any Part of the said Roads, or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways, or if any Person or Persons shall plough over, or drag any Plough upon any Part of the said Roads, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Roads to the Prejudice thereof, or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Roads with any Instrument, so as to damage the said Roads or any Part thereof, or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry, (without some reasonable Cause, to be allowed by the Justice before whom the Person so offending shall be summoned or conveyed in order to his Conviction, or except with regard to such Waggon, Wain, Cart, or other Carriage during such reasonable Time as the same shall be loading or unloading, and standing as near the Side of the said Roads as conveniently may be,) in, upon, or on the Sides of the said Roads, either with or without any Horse or Beast harnessed or yoked thereto, or shall lay any Timber, Wood, or Bushes, or any Stones, Bricks, Hay, Straw, Lime, Dung, Manure, 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 shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, One Half whereof shall go to the Informer, and the other Half shall be applied for the Purposes of this Act.

Persons chargeable to Statute Work to continue so.

Justices to determine

LI. Provided always, and be it enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the Roads hereby directed to be made, widened, and repaired, or any Part thereof, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any

Differences touching Statute Work.

any Two or more Justices of the Peace for the said County of *Cumberland*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, by their Order yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads do lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto, it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Three Days after the serving of such Summons), of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions as is, are, or may be directed by any Law or Statute in Force and Effect for the Repairs of the publick 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 Time (not being Haytime or Harvest), and in such Parts of the said Roads 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 the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor of 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 publick 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

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 Parts of the ſaid Roads, all which Forfeitures ſhall be paid to the Treaſurer to the ſaid Truſtees, and applied towards the amending the ſaid Roads; and in caſe the ſaid Surveyor or Surveyors of the Highways for any of the ſaid Pariſhes or Places ſhall refuſe or wilfully neglect to give in ſuch Liſts as aforeſaid, or ſhall knowingly or wilfully give in falſe or imperfect Liſts, every ſuch Surveyor ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Truſtees may compound for Statute Work.

LII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons, Bodies Politick 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 Pariſhes or Places in which the ſaid Roads ſhall lie and be 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 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 Pariſh, or by the Perſon or Perſons ſo compounding to the Treaſurer of the ſaid Truſtees, in Advance, on or before the laſt Day of *Auguſt* in each and every Year, or otherwiſe the Inhabitants and Occupiers of ſuch Pariſh or Place ſhall not be permitted to compound for that Year.

Application of Money.

LIII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act ſhall, in the firſt Place, be paid and defrayed out of any Monies received or collected by virtue of the ſaid recited Acts, or any of them, ſo far as the ſame relate to or in anywiſe concern the Roads to be amended, widened, and repaired by virtue of this Act, or out of the firſt Monies borrowed, received, or collected by virtue of or for the Purpoſes of this Act; and the Remainder thereof ſhall from Time to Time be applied in repaying the Monies borrowed on the Credit of the ſaid recited Acts, or any of them, ſo far as the ſame relate to or in anywiſe concern the Roads to be amended, widened, and repaired by virtue of this Act, and to be borrowed on the Credit of this Act, and the Intereſt thereof reſpectively; and in carrying this Act into Execution.

Actions to be brought in the Names of the Treaſurer or Clerk of the Truſtees, but neither of them to be liable to the Payment of Coſts.

LIV. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Truſtees againſt any Perſon or Perſons by virtue or in purſuance of this Act, the ſame may be brought in the Name of their Treaſurer or Clerk, or in the Names of any Five of the ſaid Truſtees, on Behalf of the ſaid Truſtees, and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought; but no ſuch Treaſurer, Clerk, or Truſtees, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on account thereof, but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act.

Power to Collectors, &c. to detain unknown Persons guilty of Offences.

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

Recovery and Application of Penalties.

LVI. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act, or by virtue of the Powers thereof imposed, (the Manner of levying and recovering whereof is not hereby otherwise particularly directed,) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, Town, or Place where the Offence shall happen, (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath,) and the Overplus, if any, of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of such County, Town, or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

LVII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or any Matter in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

Form of Conviction.

'BE it remembered, That on this Day of
in the Year of the Reign of
A. B. is convicted before
of His Majesty's Justices of the Peace for the
of having [*as the Offence shall be*], and I [*or* we] the said
do adjudge him [her *or* them] to forfeit and
pay for the same the Sum of Given under my Hand
and Seal [*or*, our Hands and Seals] the Day and Year aforesaid.'

Appeal.

LVIII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgement or Determination, or by any Matter or Thing done in pursuance of this

this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County or Place (within which the Matter of Appeal shall arise) next after the Expiration of Six Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and forthwith, after such Notice, entering into a Recognizance before some Justice of the Peace for such County or Place, with sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice, and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not to be unlawful for Want of Form.

LIX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form, or removable by Certiorari.

LX. And be it further enacted, That no Order, Verdict, Assessment, Judgement, or other Proceedings 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 removable 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.

Plaintiffs not to recover without Notice or after Tender of Amends.

LXI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or

Defendants

Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXII. Provided always, and be it enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after Six Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County of *Cumberland*, and not elsewhere; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Costs, and have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

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

Commencement and Continuance of the Act.

LXIV. And be it further enacted, That this Act shall commence and take place on the passing thereof, and shall be in Force and have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1806.