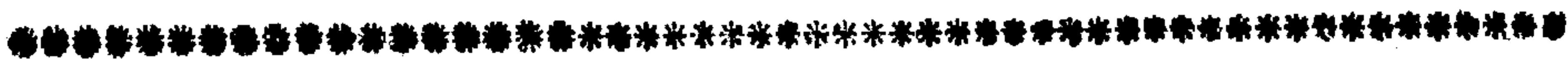




ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.



Cap. 122.

An Act for making and maintaining a Road from the East End of a Close called *Lord's Close*, in the Parish of *Brougham*, in the County of *Westmorland*, into the Town of *Penrith*, in the County of *Cumberland*, and for building a Bridge in the Line of the said Road over the River *Eamont*, which divides the said Counties of *Westmorland* and *Cumberland*.
[20th May 1812.]

WHEREAS the making and maintaining of a Turnpike Road from the East End of a certain Close called *Lord's Close*, adjoining the *Brough* Turnpike Road, in the Parish of *Brougham*, in the County of *Westmorland*, in the Occupation of *William Horn*, along an ancient Highway leading to the River *Eamont*, and the erecting, building, and maintaining a Stone Bridge over the said River *Eamont* at or near the Ford at *Brougham Castle*, in the Line of the said Road, and the continuing the same from the said Bridge through the Township of *Carleton*, in the Parish of *Penrith*, in the County of *Cumberland*, past the West End of the Village of *Carleton*, and along certain Public Highways called *Carleton Lane*, and *Barkhouse Lane*, into the Town of *Penrith* aforesaid, to communicate with the said Road leading to *Brough* at or near a certain House called *The New Crown Inn*, in the Town of *Pen-*

[*Loc. & Per.*]

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rith, would be of great Benefit and Advantage to the Owners and Occupiers of Lands in the Neighbourhood thereof, and the adjacent Country, and would open a much shorter and better Communication between the Market Town of *Appleby*, in the said County of *Westmorland*, and the Town of *Penrith* aforelaid than there is at present, and would considerably facilitate the Conveyance of Carts and Carriages to and from the said respective Towns, and would in other respects be of great public Utility; but the same cannot be done 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 Authority of the same, That the Knights of the Shire for the Counties of *Cumberland* and *Westmorland* for the Time being, the Right Honourable *William Viscount Lowther*, the Right Honourable *George Howard* commonly called *Lord Viscount Morpeth*, the Right Honourable *Thomas Wallace*, *Matthew Atkinson*, *George Atkinson*, *Michael Atkinson*, *Richard Atkinson*, *John Atkinson*, *Henry Brougham*, *James Brougham*, *John Boazman*, *William Bleaymire*, *Thomas Dobson Bleaymire*, *Thomas Brougham*, *John Buchanan*, *William Birbeck*, *Isaac Nixon Brown*, *Robert Bird*, *Thomas Bousfield*, *William Bateman*, *Thomas Briggs*, *Robert Blencarn*, *Richard Brown*, *William Crackenthorpe*, *Andrew Craig*, *John Grosby*, *Joseph Dykes Ballentine Dykes*, *Henry Dixon*, *John Dixon*, *Joseph Dickenson*, *Thomas Ellwood*, the Reverend *James Fletcher Clerk*; *Charles Smalwood Fetherstonhaugh*, *Sir James Graham Baronet*, *Edward Grave*, *Edward Hasell*, *John Hindson*, *John Heelis Clerk*, *Christopher Hutchinson*, *John Lawrence Harrison*, *Anthony Harrison*, *Thomas Hutton*, *Thomas Heelis*, *William Hebson*, *Henry Holmes*, *Richard Jameson*, *John Jameson*, *William James*, *James Jameson*, *John Jackson*, *Richard Jameson the younger*, *William Lowther Doctor in Divinity*, the Reverend *Henry Lowther*, *Abraham Levy*, *Samuel Lacey*, *Sir Philip Musgrave Baronet*, *Christopher Marvell*, *John Marvell*, *Joshua Marriott*, *James Moore*, the Reverend *Jonathan Moorhouse*, *William Gorman Monkhouse*, *James Nicholson*, *Thomas Nicholson*, *Henry Olliphant*, *Hugh Parkin*, *Isaac Parker*, the Reverend *Thomas Pattinson*, *Anthony Preston*, the Reverend *William Phillips*, *Thomas Parker*, *John Perkins*, the Reverend *John Rippon*, *Michael Rimington*, *William Rimington*, *Richard Lowthian Ross*, *Joseph Richardson*, *James Clarke Satterthwaite*, *Thomas Salkeld*, *Joseph Salkeld*, *John Salkeld*, *Richard Tinkler*, *William Tinkler*, *Edward Todd*, *William Troutbeck*, *George Troutbeck*, *Sir Frederick Fletcher Vane Baronet*, *John Wharton*, *John De Whelpdale*, *John Wordsworth*, *Richard Wordsworth*, *George Wilkinson*, *William Wilson*, *Roger Walmesley*, *Thomas Watson*, *John Orfeur Yates*, *Francis Yates*, and *William Youngson*, shall be and are hereby appointed Trustees for putting this Act in Execution; and that when and as often as any Trustee hereby appointed or to be elected in Manner herein-after mentioned shall die, or refuse (in Writing) to act as a Trustee, it shall be lawful for the other Trustees for the Time being, or any Nine or more of them, from Time to Time to elect, and by Writing under their Hands to appoint, One other Person, qualified as herein-after mentioned, to be a Trustee in the Room of such Person so dying or refusing to act: Provided always, that Twenty-one Days Notice, at the least, of every such Election shall be affixed upon the Turnpike or Toll Gate to be erected in pursuance of this Act, as herein-after

Trustees.

Power to
elect new
Trustees.

mentioned, and be advertised in some Newspaper printed and published at *Carlisle* or *Whitehaven*, in the County of *Cumberland*, or at *Kendal*, in the County of *Westmorland*; and every Person who shall hereafter be chosen a Trustee in pursuance of the Directions of this Act, shall be and is hereby empowered to act in Conjunction with the other Trustees, for the Time being, in the Execution of the Trusts and Powers of this Act, in the same Manner to all Intents and Purposes as if he had been hereby named and appointed a Trustee.

II. 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 in the Receipt and Enjoyment of the Rents and Profits of Messuages, Lands, and Tenements, or other Hereditaments of Freehold, Customary or Copyhold Tenure, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person having an Estate of Inheritance in such Freehold, Customary or Copyhold Messuages, Lands, Tenements, or Hereditaments of the clear yearly Value of Two Hundred Pounds at the least; or unless he shall be possessed of a Personal Estate alone, or of Real and Personal Estates together, to the Amount in Value of One Thousand Pounds after Payment of all his just Debts; and in case any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparance shall be allowed; and every Person so prosecuted shall prove that he is qualified as aforesaid, or in Default thereof shall pay the said Penalty, upon Proof given of his having acted as a Trustee in the Execution of this Act, One Moiety of which said Penalty shall be paid to the Prosecutor, and the other Moiety thereof shall be applied for the general Purposes of this Act: Provided nevertheless, that all Acts and Proceedings which shall have been done and performed by any such Person touching the Execution of this Act previous to such Recovery against him as aforesaid, shall notwithstanding the same, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Qualifica-
tions of
Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, (save and except in administering the Oath or Affirmation following to the other Trustees), until he shall have taken and subscribed the Oath following, before any Two or more of the said Trustees, who are and each of them is hereby authorized to administer the same; (that is to say),

Trustees to
take the fol-
lowing

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do* Oath.
‘ I solemnly affirm], That I truly and *bona fide* am in my own Right
‘ [*or, in the Right of my Wife, as the Case may be*] in the actual Pos-
‘ session or Enjoyment of Lands, Tenements, or Hereditaments, of the
‘ clear yearly Value of One Hundred Pounds above Reprizes, or am
‘ Heir Apparent of a Person seized of such an Estate, of the clear yearly
‘ Value

‘ Value of Two Hundred Pounds, or am possessed of a Personal Estate
 ‘ alone, or of Real and Personal Estate together, to the Amount in Value
 ‘ of One Thousand Pounds after Payment of all my just Debts.

‘ So help me GOD.’

Trustees who
 are all Jus-
 tices of the
 Peace may
 act as such.

IV. Provided always, That such of the said Trustees as are or shall be in the Commission of the Peace for any District to which the Powers of this Act may extend, shall have full Power to act as Justices of the Peace in any Matter or Thing relating to this Act (except only in such Cases where they shall be personally interested); but no Person shall be capable of acting as a Trustee in the Execution of this Act in any Case where he shall be concerned in Interest, or during the Time he shall hold any Place of Profit under this Act.

Meetings of
 Trustees.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the *New Crown Inn*, in the Town of *Penrith* aforesaid, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, for the Purpose of carrying this Act into Execution, and shall then, and from Time to Time afterwards, adjourn such their Meeting and Meetings to such Day or Days, Place, or Places respectively as they shall deem expedient and proper for the Purposes of this Act; subject nevertheless to the Limitation of Time between each of such Meetings, and to the other Rules and Regulations for holding the same as are herein-after expressed; and if there shall at any Time be fewer than Five Trustees present at any Meeting, they shall not proceed to Business, but such Trustees, if more than Two, shall adjourn the Meeting to such Time and Place as they may deem proper, within the Intent and Meaning of this Act; but if there shall be only One Trustee present, then such One Trustee, or the Clerk of the Trustees for the Time being, if no Trustee shall attend, shall, in every such Case as last-mentioned, cause Ten Days Notice, in Writing, to be affixed on the Turnpike Gate to be erected in pursuance of the Directions of this Act, or if no Turnpike Gate shall be then erected, shall cause the like Notice to be advertised in One or more of the Newspapers before-mentioned, requiring the Trustees to meet at such Place where the preceding Meeting was appointed to have been held, at any Time not exceeding Thirty Days next after the Day for which such last Meeting was appointed; and in case it shall ever happen that no Adjournment shall be made at any Meeting of Trustees as aforesaid, or if any Adjournment shall be made to any longer Period than is allowed by this Act, or in case a single Trustee, or the Clerk aforesaid, shall in the Events last herein-before mentioned, neglect to affix such Notice for a future Meeting as aforesaid, then and in any of the aforesaid Cases, and as often as the same shall happen, it shall be lawful for any Five of the Trustees, though not assembled at a Meeting in pursuance of this Act, to cause Notice in Writing, to be affixed upon the Turnpike Gate to be erected in pursuance of the Directions of this Act; and if no Turnpike Gate shall be then erected, to cause the like Notice to be advertised in One or more of the Newspapers before mentioned, at least Ten Days, and not exceeding Twenty Days before any intended Meeting, appointing the Trustees to meet at such a Time and at such Place as they the said Five Trustees shall think convenient; and the Trustees, when met in pursuance of every or any such Notice or Ap-
 pointment

pointment as before mentioned, shall and may proceed to carry this Act into Execution.

VI. And be it further enacted, That no Meeting shall be adjourned to a more distant Period than the Space of Ten Weeks from the Time of such Adjournment; and every Meeting shall be held between the Hours of Eleven and Five in the Day Time; and all Orders and Determinations of the said Trustees in the Execution of this Act, except where the same is hereby otherwise mentioned and allowed of, shall be made, issued, and done at Meetings to be held in pursuance of this Act, and not otherwise; and the same shall not be valid unless a Majority of the Trustees present at such Meeting shall concur therein, such Majority not consisting of less than Five, who shall sign the same in the Book or Books kept for that Purpose; and no Order, Determination, or other Act, made or done at a former Meeting, shall be revoked or altered at any subsequent Meeting, unless Nine Trustees shall be present at such subsequent Meeting.

Meetings not to be adjourned for more than Ten Weeks.

VII. And be it further enacted, That all Orders, Determinations, and other Acts and Proceedings of the Trustees under this Act shall be entered in a Book or Books to be kept for that Purpose; and such Orders, so entered and signed as herein-before required, shall be deemed original Orders; and such Book or Books, and also the Book or Books containing the Registers of Mortgages, Transfers, and Assignments as herein-after directed, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, Actions, or other Proceedings touching any Thing done by Authority of this Act.

Proceedings to be entered in a Book.

VIII. And be it further enacted, That the said Trustees, or any Nine or more of them, shall and may from Time to Time, at any of their Meetings to be holden in pursuance of this Act, appoint a Treasurer or Cashier, and a Clerk or Clerks, and also such Collector or Collectors of the Tolls, Surveyors of Roads, Bridges, and Buildings, and other Officers, with such Salaries and Allowances as they shall think necessary, and shall and may from Time to Time remove any such Officers as they shall see Occasion; and in case of Removal, or of the Death or Resignation of any such Officers, shall and may appoint new ones in their Stead: Provided nevertheless, that whenever any Collector of the Tolls to be appointed by virtue of this Act shall die, resign, or become incapable of performing his Duty, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting, by Writing under their Hands to appoint another Person to supply his Place until the next Meeting of the Trustees, at which Time such Order shall be made for his Continuance, or for his Removal and for the Appointment of another in his Stead, as shall seem advisable; any Thing herein-before contained to the contrary notwithstanding.

Power to appoint Officers.

IX. And be it further enacted, That all such Officers and Persons as shall be appointed by virtue of this Act, shall, as often as required by the said Trustees, or any Five or more of them, render and deliver up to the said Trustees, or to such Person or Persons as they or any Five or more of them shall appoint, a true, exact, and perfect Account in Writing under their respective Hands, with the proper Vouchers of and

Officers to account, &c.

for all Monies which they shall from Time to Time have received, paid, and disbursed by virtue of this Act, or by Reason of their respective Offices, and shall verify such Accounts upon Oath, if thereunto required by the said Trustees, or any Five or more of them, (which Oath any One or more of the said Trustees is and are hereby empowered to administer); and in case any Money so received by any such Officer or Person as last-mentioned shall thereupon be found to remain in his or their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall, by Writing under their Hands, authorize and empower to receive the same, and shall be disbursed and laid out in the Execution of this Act and not otherwise; and if any such Officer or Person shall not make and render, or refuse to verify upon Oath, any such Account, or to produce or deliver up any Voucher or Vouchers relating to the same, or to make any such Payment as aforesaid, or shall not deliver to the said Trustees, or any Five or more of them, or to such Person as they shall appoint, within Twenty-one Days after being thereunto required by any Five or more of the said Trustees, all the Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in either or any of the Cases aforesaid, the said Trustees or any Five or more of them may, and are hereby authorized and empowered to bring or cause to be brought any Action or Actions in the Name of such Trustees, or in the Name or Names of any One or more of them, or of their Treasurer or Clerk for the Time being, against every such Officer or other Person so offending as aforesaid, for the Recovery of all Monies, Vouchers, Books, Papers, and Writings which shall be in his Custody as aforesaid; or if Complaint shall be made of any such Refusal or Neglect as aforesaid, to any One or more Justice or Justices of the Peace for the County or Place where any such Officer or other Person as aforesaid shall be and reside, such Justice or Justices may, and is, and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to order the Party so offending to be brought before him or them, and upon the Appearance of such Party, or on his not being to be found, it shall be lawful for such Justice or Justices to hear and determine the Matter in a summary Way, and to settle the said Account or Accounts; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice or Justices is, and are hereby empowered and required to administer, without Fee or Reward), such Officer or other Person as aforesaid shall be convicted of any such Offence as aforesaid, such Justice or Justices shall and may upon such Conviction commit the Party so offending to the common Gaol or House of Correction of the County or Place where he shall be or reside, there to remain without Bail or Mainprize until he shall have made and verified such Account, and paid over all the Monies remaining in his Hands in Manner aforesaid, or until he shall have compounded and agreed with the said Trustees, or any Five or more of them, and have paid such Composition Money, (which Composition Money the said Trustees, or any Five or more of them are hereby authorized and empowered to make and receive), or until he shall have rendered and given up to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall direct, all such Books, Papers, Vouchers, and Writings as aforesaid; or it shall be lawful for such Justice or Justices, by Warrant or Warrants under his

his or their Hand and Seal, or Hands and Seals, to cause the Money remaining in the Hands of such Offender to be levied by Distress and Sale of his Goods and Chattels, or if no Goods and Chattels shall be found sufficient to answer and satisfy the said Monies and the Charges of levying the same, then to commit every such Offender to the common County Gaol or House of Correction as aforesaid, there to remain without Bail or Mainprize until he shall have made such full Payment, or have made and paid such Compensation as aforesaid: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

X. And be it further enacted, That the said Trustees, or any Five or more of them, shall require and take such Security or Securities from their Treasurer or Treasurers, Clerk or Clerks, and other Officers, for the due Execution of their respective Offices, and for the Payment of all Monies to be received by them respectively, in the Course thereof, as the said Trustees or any Five or more of them shall judge proper; Provided always, that no Victualler or Retailer of Ale, Beer, Cyder, or Spirituous Liquors, shall be capable of holding any Place of Trust or Profit under this Act.

Power to take Security from Officers.

Victuallers, &c. not to hold Places of Profit.

XI. And be it further enacted, That it shall be lawful for the said Trustees, and their Successors, their Deputies, Agents, Servants, Workmen, and Assistants, and they are hereby authorized and empowered, to design, direct, order, and build, or cause to be built, and to complete, maintain, and keep with Stone, Wood, or other good and sufficient Materials a Bridge across the River *Eamont*, at or near the said Ford at *Brougham Castle*, in the said Parish of *Brougham*, to the opposite Side, in the said Parish of *Penrith*, and to deepen and widen, and dig proper Foundations in the said River, and on the Lands and Grounds on each Side thereof, for the Piers and Abutments of the said Bridge, and to cut and level the Banks of the said River in such Manner as shall be necessary and proper for building the said Bridge, and to remove all Trees, Roots of Trees, Gravel, Sand, Mud, or other Impediments which may anywise tend to hinder the erecting and completing the said Bridge, and to execute all other Things necessary for erecting and maintaining the said Bridge according to the true Meaning of this Act.

Authority to build Bridge.

XII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously blow up, pull down, or destroy the said Bridge, or any Part thereof, or the Toll House, or Toll Gate erected or set up, or to be erected or set up, on or near to the said Bridge, or any of them, or any of the Works, Buildings, or Erections made or to be made in pursuance of this Act, or cause or procure the same, or any Part or Parts thereof respectively, to be so blown up, pulled down, or destroyed, then, and in every such Case, every such Offender being lawfully convicted thereof, shall be adjudged guilty of Felony; and the Court by or before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, in like Manner as Felons are directed to be transported by the Laws and Statutes of this Realm, or in Mitigation of such Punishment.

Penalty on Persons destroying Works.

ment such Court may award such Punishment as the Law directs in Case of Petit Larceny.

Bridge,
Turnpikes,
&c. vested in
Trustees, &c.

XIII. And be it further enacted, That the Right and Property of the said Bridge, and all Toll House and other Buildings to be erected by virtue of this Act, with the Ground and Appurtenances thereto respectively belonging, and of all Gates, Posts, Rails, Bars, Chains, Tables of Tolls, Lamps, Lamp Irons, and Posts, now or hereafter to be erected, and also all Materials, Tools, and Implements, which are or shall be provided for making or repairing the said Bridge and Works, shall belong to, and be the Property of, and are hereby vested in the said Trustees, and they or any Five of them are hereby empowered to cause an Action or Actions to be brought, and any Bill or Bills of Indictment to be preferred against any Person or Persons who shall steal, break down, take away, injure, or spoil the said Bridge, or any Turnpike, Toll House, or other Building, or Chains, Tables of Tolls, Lamps, Lamp Irons, or Posts, or any 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 Indictments respectively, it shall 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 the Purposes of this Act, without particularly mentioning or specifying the Name or Names of all or any of the said Trustees.

Empowering
the Trustees
to erect a
Toll House
and Toll
Gate on the
Bridge.

XIV. And for defraying the Expences of building the said Bridge, and making and maintaining the said Road, and of executing other the Purposes of this Act, be it further enacted, That the said Trustees shall cause to be erected a Toll House, and Toll Gate in, upon, across, or near to the said intended Bridge, and that there shall be demanded and taken by such Person or Persons as the said Trustees shall from Time to Time appoint to receive the same, the Tolls or Sums following before any Foot Passenger, Coach, Chaise, or such other Carriage, Waggon, Wain, or Cart, Horse, Beast, Mule, Ass, Sheep, Swine, or other Cattle, shall be permitted to pass over the said Bridge, that is to say:

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse, or Calash, drawn by Six Horses, or other Beasts of Draught, the Sum of Two Shillings:

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, or Hearse, drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, or Hearse, drawn by Two or Three Horses, or other Beast of Draught, the Sum of One Shilling:

For every Chaise, Calash, or Chair, drawn by One Horse, Mare, Gelding, or Mule, the Sum of Sixpence:

For every Waggon, Wain, Cart, or Carriage (other than and except such as are herein-before otherwise rated or provided for), drawn by Four Horses, or other Beasts of Draught, the Sum of One Shilling and Sixpence:

For every Horse or other Beast of Draught above Four drawing therein respectively, the additional Sum of Sixpence each:

For

For every Cart or other Wheel Carriage (except as before mentioned) drawn by Three Horses, or Beasts of Draught, the Sum of One Shilling; for every such Carriage drawn by Two Horses or Beasts of Draught, the Sum of Eight-pence; and for every such Carriage drawn by One Horse, or other Beast of Draught, the Sum of Four-pence:

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 Ten-pence *per* Score, and so in Proportion for any greater or less Number:

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

For every single Foot Passenger, Man, Woman, Boy, or Girl, One Halfpenny:

Which said respective Tolls or Sums of Money are hereby vested in the said Trustees and their Successors; and if any Person or Persons, subject to the Payment of the said Tolls shall, after Demand thereof made by any Collector or Collectors to be appointed as aforesaid, neglect or refuse to pay the same, it shall be lawful for such Collector or Collectors to stop and prevent the Passage of any Person or Persons neglecting or refusing to pay the said Tolls, or any of them, or of the Horse, Beast, Cattle, Carriage, or other Thing, for or in respect whereof the said Tolls ought to be paid, or it shall be lawful for the said Collector or Collectors to seize and detain the Goods and Chattels of such Person or Persons, or such Horse, Beast, Cattle, Carriage, or other Thing; and in case the said Tolls shall not be fully paid and satisfied, together with all reasonable Costs and Charges of making, detaining, and keeping such Distress, within the Space of Five Days, the said Collector or Collectors shall and may sell the same, rendering the Overplus (if any) on Demand, after deducting such Costs and Charges of making, detaining, keeping, and selling such Distress, to the Owner or Owners thereof.

Tolls to be vested in the Trustees.

XV. And it is hereby further enacted and declared, That no Person shall be liable to pay more than once for passing or repassing at any Time or Times in any one Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the succeeding Night), on Foot, or with the same Horses, Cattle, or Carriages respectively, through the Turnpike to be erected by virtue of this Act, but that every Person, after having paid Toll once, and producing a Note or Ticket denoting such Payment, shall afterwards be permitted to pass on Foot, or with every such Horse, Cattle, or Carriage, Toll Free, during such Day, through the said Turnpike, which Note or Ticket the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Tolls.

No more than one Toll to be taken in one Day.

XVI. Provided always, and be it further enacted, That if any Dispute shall happen touching the Quantity of Tolls due, or the Charges of taking, keeping, or selling any Distress which shall be taken by virtue of this Act, it shall and may be lawful for the Collector or Person distraining to detain the Distress, or the Money arising from the Sale thereof, until the Quantity of such Tolls, or the Charges of seizing, detaining, and disposing of such Distress as aforesaid (as the Case shall happen), shall be ascertained by some Justice of the Peace for the County, Place, or District where such Dispute shall arise, who, upon Application made to him for that Purpose, shall examine the Matter upon Oath of Parties,

Disputes to be settled by a Justice.

or any Witness or Witnesses (which Oath such Justice is hereby empowered to administer), and shall determine the Quantity of the Toll due, and also assess the Costs and Charges of such Seizure, Distress, Keeping, and Sale, and all other reasonable Costs and Charges; all which Sum or Sums of Money so determined and assessed, shall be paid to the Collector before he shall be obliged to return the Distress, or the Overplus, after the Sale thereof, or of any Part thereof.

Provisions
against evad-
ing Tolls.

XVII. And be it further enacted, That if any Person or Persons shall on Foot, or with any Horse, or other Beast, Cattle, or Carriage, whatsoever, pass through the said River *Eamont*, within the Distance of Five Hundred Yards of the said Bridge, or through the River *Lowther*, within the Distance of Five Hundred Yards of the Junction of the said Two Rivers, or through any Land or Ground adjoining or lying near to the said Turnpike or Toll Gate, for the Purpose of avoiding the Tolls, or if the Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons, with any Horse or other Beast, Cattle, or Carriage, to pass through the same, whereby the Payment of any of the said Tolls shall be avoided; or if any Person shall forcibly pass through the said Turnpike or Toll Gate, on Foot, or with any Horse or other Beast, Cattle, or Carriage, without Payment of the Tolls for the same, or shall take off, or cause to be taken off, any Horse or other Beast, or any Goods, in order to avoid the Payment of the said Tolls, or any of them, every Person so offending in any of the Cases aforesaid shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings, whereof one Moiety shall be paid to the Informer, and the other Moiety thereof shall be applied for the general Purposes of this Act.

Tolls may be
varied or re-
duced.

XVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them (with the Consent of such Person or Persons who shall be entitled to Two Third Parts or Shares in Value of the Monies which shall be due on the Credit of this Act), to lessen or reduce the Tolls to be taken pursuant to this Act, from Time to Time, as they may judge proper, so as every such Reduction be made proportionably, and so as no such Alteration be made at any Time after the First Meeting, unless Notice in Writing of the Meeting to be held for making such Reduction be affixed upon the Turnpike Gate then erected upon, or at the End of the said Bridge, and be also advertised in some public Newspaper published and circulated within the said Counties of *Cumberland* or *Westmorland*, at least Fourteen Days before such Meeting; and such Tolls so lessened, or reduced, shall, from Time to Time, be raised again, so as the same do not exceed the Tolls granted by this Act, and shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

Toll may be
taken of
Foot Pas-
sengers.

XIX. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them, (with such Consent as aforesaid), at the said First or any other subsequent Meeting, to take off the said Toll upon Foot Passengers, and suffer them to pass over the said Bridge Toll free.

XX. And

XX. And be it further enacted, That no Toll shall be demanded or Exemptions.
 taken for any Carriage, Horse, or other Cattle going unladen for, or
 being laden with, or returning after having gone laden only with any
 Materials for repairing the said Road, or any other Highway or Road,
 or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the
 Straw, not sold or disposed of, but passing to be laid up in the Houses,
 Outhouses, Barns, Yards, or Closets of any of the Inhabitants of the Pa-
 rishes or Places through which any Part of the said Road doth or may
 lead; or for any Horses, Cattle, or Carriages going with, or for, any
 Ploughs, Harrows, or other Implements of Husbandry belonging to any
 of the said Inhabitants; or for any Cattle going to or from Plough or
 Harrow belonging to any of the said Inhabitants; or for any Carriage or
 Cattle carrying any Lime, Marle, Dung, Mould, or Compost of any
 Kind whatsoever, to be employed in Husbandry, or for manuring or
 stocking of Land in such Parishes or Places; or for any Horses or other
 Cattle, or Carriages employed in the conveying of any Person or Per-
 sons going to or returning from an Election of a Knight or Knights of
 the Shire to serve in Parliament for the said Counties of *Cumberland*
 or *Westmorland* on the Day of such Election, or on the Day before or
 Day after such Election shall begin or be concluded, or going to or re-
 turning on *Sundays* or any other Days on which Divine Worship is or-
 dered by Authority to be celebrated, from any Church, Chapel, or other
 Place of Religious Worship which shall be situate within the same Parish
 in which any Turnpike or Toll Gate shall be erected, or who shall at-
 tend the Funeral of any Person or Persons who shall die and be buried
 in any of the Parishes or Places in which the said Road hereby directed
 to be repaired lies; or from any Clergyman going to perform or re-
 turning from his Duty at any Church or Chapel, or to or from visiting
 his sick Parishioners; or for any Cattle or Carriage employed only in
 carrying Corn to, or Grist from, the nearest or such other Mill as be-
 fore the passing of this Act, hath most generally been used by the Owners
 of such Corn respectively; or for any Carriages or Horses employed
 in conveying the Mails of Letters and Expresses under the Authority of
 His Majesty's Post Master General, either when employed in conveying
 or guarding such Mails or Expresses, or in returning from conveying or
 guarding the same; or for any Horse, Ox, Cow, Sheep, or other Cattle,
 the Property of any Person or Persons residing in any of the Parishes
 or Places in which the said Road hereby directed to be repaired lies,
 going to or returning from any Pasture or Watering Places, or going
 to be or returning from being shod or farried within the said Parishes;
 or for any Horses belonging to Officers or Soldiers upon their March, or
 upon Duty, or for any Horses, Cattle, or Carriages employed in car-
 rying or conveying the Arms or Baggage of any such Officers or Sol-
 diers, or any sick, wounded, or disabled Officers or Soldiers; or for any
 Horses, Carts, or Waggons travelling with Vagrants sent by legal
 Passes; and that no Toll shall be demanded or taken for any Horse,
 Mare, or Gelding furnished by or for any Persons belonging to any
 Corps of Yeomanry or Volunteer Cavalry, and rode by them in going
 to or returning from the Place appointed, for and on the Days of Ex-
 ercise, provided that such Persons shall be dressed in the Uniform of their
 respective Corps, and have their Arms, Furniture, and Accoutrements
 according to the Regulations provided for such Corps respectively at
 the Time of claiming such Exemptions as aforesaid; and if any Person
 shall,

shall; by any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied to the Purposes of this Act.

Owners or Drivers of Waggon employed in the Service of His Majesty's Forces not to be subject to Penalties for Overweight, &c.

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

The Collector of Tolls may give Evidence.

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

Tolls may be compounded for.

XXIII. And be it further enacted, That the said Trustees, or any Nine or more of them, may, and are hereby empowered, from Time to Time, as they shall see convenient, to compound and agree for any Term, not exceeding One Year, at any One Time, with any Person or Persons for all or any of the Tolls to be paid by such Person or Persons for and in respect of any Carriages, Horses, Cattle, or Beasts, travelling on the said Road, provided such Composition Monies shall be paid Six Calendar Months in Advance to the Treasurer or Treasurers of the said Roads; and in Default of any such Payment the Composition or Agreement with the Person or Persons making such Default shall from thenceforth be void.

For leasing the Tolls.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time, by Writing under their Hands and Seals, to lease the Tolls arising by virtue of this Act unto any Person or Persons from Year to Year, or for any Term of Years not exceeding Three Years, for the best Rent that can be gotten for the same, payable at such Times, and under such Covenants, and to such Person or Persons as they the said Trustees, or any Five or more of them, shall direct or appoint.

Power to borrow Money.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall think fit upon the Credit of the Tolls arising by virtue of this Act, or any

any Part or Parts thereof; and by Writing under their Hands and Seals to assign over the said Tolls, or any Part or Parts thereof, and the Turnpike Gate and Toll House for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) to any Person or Persons, for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the several Sums that shall be borrowed with the Interest thereof; which Mortgage or Assignment shall be in the Words, or to the Effect following :

BY virtue of an Act of Parliament made in the Fifty-second Year of the Reign of King George the Third, intituled *An Act (set forth the Title of the Act)*, We _____ of the Trustees acting in the Execution of the said Act, in Consideration of the Sum of _____ to the Treasurer of the said Road, by the said Act directed to be repaired, in Hand, paid by _____ of _____ do hereby grant, bargain, sell, and demise, unto the said _____ Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act as the said Sum of _____ doth or shall bear to the whole Sum advanced, or to be advanced on the Credit of the said Tolls, to be had and holden from the _____ Day of _____ for and during the Continuance of the said Act, unless the said Sum of _____, with lawful Interest for the same, 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 and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said Counties of *Cumberland* and *Westmorland*, and also upon the Turnpike or Toll Gate which shall be then standing upon the said Bridge or Road, at least Fourteen Days before the borrowing thereof; and all Mortgages or Assignments, which shall be made in the Manner and Form aforesaid shall be good, valid, and effectual to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest, or Benefit in and to the said Security, and the Principal and Interest thereby secured, to any Person or Persons whomsoever, by Indorsement on the Back of such Security, in the Presence of One credible Witness, which Transfer shall be in the Words, or to the Effect following ;

I Do transfer the within Mortgage, and all the Principal and Interest now due thereupon unto _____ Executors, Administrators, and Assigns. Witness my Hand and Seal this _____ Day of _____

Form of Transfer.

All which Transfers shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of Two Shillings and no more, and after such Entry made, every such Transfer shall entitle the respective Assignees, or the Persons to whom

[Loc. & Per.]

the same shall be made, their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee shall and may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person making such Assignment or Transfer afterwards to make void, release, or discharge the same Security, or any Monies thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, 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 to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

Application
of Money.

XXVI. And be it further enacted, That out of the Tolls or Monies to arise or be borrowed by virtue of this Act the said Trustees, or any Five or more of them, shall in the first Place pay all the Expences incurred by and in relation to the obtaining and passing this Act, together with lawful Interest from the Time of advancing the same to the Time of Payment, and shall afterwards apply the same in paying the Interest of the Monies to be borrowed by virtue of this Act, and in defraying the Charges and Expences of building the said intended Bridge, and making, erecting, repairing such Turnpikes and Toll Houses as aforesaid, and such Bridges or Arches, Drains, and Ditches, as shall be necessary to be made, repaired, or maintained, and the Expences of repairing, altering, turning, and widening the said Road, and in making good the Damages which may be done to the Owners or Occupiers of Houses and Lands as herein-after mentioned, and in paying the Purchase Money for such Lands, Buildings, and other Hereditaments, as shall be bought by virtue of this Act, and in defraying all other Expences relating to the Execution of this Act, and for no other Purpose whatsoever.

Surveyors
may remove
Annoyances,
turn Water-
courses, &c.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, and such Person and Persons as they or he shall direct or appoint (such Surveyor or Surveyors having an Order from the said Trustees, or any Five or more of them, for that Purpose) to remove and prevent all Annoyances on any Part of the said Road by Timber, Stone, Carriages, Filth, Dung, Ashes, Rubbish, or by any other Means whatsoever, and to turn any Watercourses, Sinks, or Drains running into, along, and out of the said Road to the Prejudice thereof, and to open, scour, and cleanse any Watercourses and Ditches adjoining to the said Road, and make the same as deep and large as he or they shall think proper and necessary, and to cut down, lop, or top at proper Seasons of the Year any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjoining thereto and within Ten Yards of the Centre thereof, such Watercourses, Ditches, Trees, or Bushes not being or growing within any Garden, Orchard, Plantation, Walk, or Avenue to any House, or any inclosed Ground planted and set apart as a Nursery for Trees, planted with ornamental Trees, or for Shelter, and to take and carry away the same in case the Owners or Occupiers of the Premises shall neglect to remove the same, or cut down or carry away such Trees or Bushes as aforesaid, or to open, scour, or cleanse such Watercourses or Ditches, or to remove such other Annoyances for the Space of Ten
Days

Days next after Notice in Writing given for that Purpose, under the Hand or Hands of such respective Surveyor or Surveyors; and the Charges thereof (to be settled by the said respective Trustees) shall be reimbursed to the said respective Surveyor or Surveyors by such Owners or Occupiers, and the same shall be recovered in such Manner as the Penalties and Forfeitures are herein-after directed to be recovered; and if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person shall for such Offence forfeit and pay any Sum not exceeding Fifty Shillings.

XXVIII. And be it further enacted, That it shall be lawful for the said respective Surveyor or Surveyors by Order of the said respective Trustees, or any Five or more of them, to make or cause to be made Causeways or Embankments in and upon the said Road, and to erect, support, and repair any Bridge or Bridges, Arch or Arches, Watercourse or Watercourses upon the said Road, and cut and make Drains through any Lands adjoining to the said Road, (not being the Ground whereon any House or Houses, or other Buildings stand, or a Garden, Orchard, Park, Paddock, planted Walk, or Avenue to any House), making such reasonable Satisfaction to the Owners or Occupiers of such Grounds respectively through which any such Drains shall be made, or whereon such Arches shall be erected, for the Damages which such Owners or Occupiers respectively shall or may sustain thereby as shall be adjudged reasonable by the said respective Trustees, or any Five or more of them; and in case of any Difference concerning the same between such Owners and Occupiers, and the said respective Trustees, that then it shall be lawful for the Justices of the Peace or the major Part of them assembled at the next General Quarter Sessions of the Peace to be holden for the County where such Difference shall happen to arise, or at their respective second General or Quarter Sessions at the farthest, to settle, adjudge, and determine what Recompence shall be made to such Owners and Occupiers for the Damage they shall have sustained as aforesaid, whose Determination therein shall be final.

Surveyors
may make
Causeways,
&c.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees, or for the Surveyor or Surveyors of the said Bridge and Road, and such Person or Persons as he or they shall appoint, to search for, dig, gather, and take away any Quarry Stones or other Stones, Gravel, Sand, or other Materials for making and repairing the said Bridge and Road, in and out of any common River or Brook, or out of any Moor, Waste, or common Grounds, within any Parish, Township, or Place within which any Part of the said Road lies, without paying any Thing for such Materials; such Surveyor or Surveyors levelling or causing to be levelled all such Holes and Pits, or otherwise causing the same to be railed or fenced off, where or from whence any such Materials shall be dug, gathered, or taken away, in such Manner as that the same shall not be dangerous to any Cattle or Travellers whatsoever, and paying for the Damages done by going over or through any Lands, Grounds, or private Lanes or Roads, for or with such Materials, to be ascertained as herein-after mentioned; and also that it shall be lawful for the said respective Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors first having an Order in Writing of Five of the said respective Trustees for that

Surveyors
may take
Gravel, &c.
in Waste
Grounds
without pay-
ing for the
same, level-
ling the Pits,
&c.

that Purpose) to search for, dig, gather, and take away, all or any such Materials as aforesaid, in, upon, or out of, from and over the private Grounds, or inclosed Lands of any Person or Persons within any Parish, Township, or Place within which any Part of the said Road lies, or within any adjoining Parish, Township, or Place, (not being a Garden, Orchard, Park, Yard, Paddock, or planted Walk or Walks, or Avenue to a House, Lawn, or inclosed Plantation), paying or tendering to the Owners and Occupiers respectively for the Damages done to such private Grounds or inclosed Lands where and from whence any such Materials as aforesaid shall be dug, gathered, and taken away, or over which the same or any other Materials for the making or repairing the said Bridge and Road shall be carried, such Equivalent in Money as the said respective Trustees shall adjudge reasonable; and in case of any Difference concerning the same, the Matter shall be subject to an Appeal to the Quarter Sessions as herein-after mentioned.

Surveyors not to carry Materials out of private Grounds without giving Notice to the Occupiers.

XXX. Provided nevertheless, and be it further enacted, That it shall not be lawful for any such Surveyor or Surveyors, or other Person or Persons under the Authority of this Act, to take and carry away any Materials for making or repairing the said Bridge or Road from any inclosed Lands or private Grounds, until Notice in Writing shall have been given to the respective Occupiers thereof, from which such Materials are intended to be taken, or left for such Occupiers respectively, at their respective usual Places of Residence, to appear before the said respective Trustees, or before any Two or more Justices of the Peace acting for the County where such Lands are situated, on a certain Day to be mentioned in such Notice, and not sooner than Five Days from the Service thereof as aforesaid, to shew Cause why such Materials shall not be had or taken from such inclosed Lands or private Grounds respectively; and in case such Occupiers shall attend pursuant to such Notice, but shall not be able to shew sufficient Cause to the contrary, the said respective Trustees, or such last-mentioned Justices shall (if they think meet) authorize such Surveyor, or other Person, to dig, gather, and carry away such Materials in, upon, out of, from and over such inclosed Lands and private Grounds respectively, at such Time or Times as to such respective Trustees, or to such Justices, shall seem proper; and if any such Occupier shall neglect or refuse to appear by himself or his Agent, the said respective Trustees, or such Justices, shall and may nevertheless make such Order therein as they 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 raised by Surveyors.

XXXI. And be it further enacted, That if any Person or Persons whomsoever shall take away any Stones, Sand, or Gravel or other Materials laid upon the said Bridge, or Approaches thereto, for making or repairing thereof, without the Order of the said Trustees or their Surveyor or Surveyors for that Purpose, or if any Person or Persons whomsoever shall take away any Stones, Sand, or Gravel, which shall have been dug, gotten, or gathered for the Repair or Use of the said Bridge or Road, or shall raise or carry away any Materials out of any Pit or Quarry which shall have been made, dug, or opened for the Purpose of getting Materials for the building or repairing the said Bridge or Road, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Fourteen Days (except the
Owner

Owner or Occupier of any private Ground, and Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXII. And be it further enacted, That if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Road, any Tree or Piece of Timber, or any Stone, otherwise than upon Wheel Carriages, or shall suffer any Part of any Tree or Piece of Timber, or Stone which shall be conveyed on Wheel Carriages, to drag upon any Part of such Road, to the Damage or Prejudice thereof, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

No Person to drag Timber, &c. on the Road without a Carriage.

XXXIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall cause the said Road, when set out and made, to be measured, and Stones or Posts to be placed in or near the same with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall think proper, and also Posts at the several Roads leading out of the said Road hereby directed to be altered or repaired, with Inscriptions thereon, directing to what Place or Places the said Roads respectively lead, as they the said Trustees, or any Five or more of them, shall think fit; and if any Person or Persons shall wilfully break, damage, or pull up any of the Mile Stones or Posts already erected, or hereafter to be erected, upon or near any Part of the said Road, or shall obliterate or deface any of the Letters, Figures, or Marks thereon, and be thereof convicted before any Justice of the Peace for the County in which such Road is situate, or by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay the Sum of Twenty Shillings for every such Offence, to be recovered and applied as herein-after mentioned.

Power to put down Mile Stones.

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

Power to enter Lands for making the Roads.

[Loc. & Per.]

29 I

XXXV. And

Trustees may
make and
divert the
Road.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered to make and repair the said new Turnpike Road in the Lines and Directions herein-before specified, and from Time to Time to widen, divert, shorten, vary, turn, and alter (within the Distance herein-after mentioned) the Course or Path of the said Road or any Part or Parts thereof respectively; and that such Road and every Variation may be of any Width, not exceeding Forty Feet, inclusive of the Ditches and Fences on each Side thereof, first making Satisfaction to the Owners thereof and Persons interested therein for the Damages they may sustain by the making, widening, diverting, shortening, varying, and turning the said Road; and for that Purpose it shall be lawful for the said Trustees, or any Five or more of them, to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making the said Road, or by widening, diverting, turning, or altering the Course or Path of the same, or any Part or Parts thereof, through such Lands and Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenants for Life, Fee Tail, and General or Special, Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Femes Covert, Infants, Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seized of, or interested in their own Right, and to and for all and every Person and Persons whomsoever, who are or shall be possessed of and interested in any such Lands or Hereditaments, to contract with the said Trustees, or any Five or more of them, for the Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them, or any Five or more of them, all or any of such Lands or Hereditaments or any Part thereof for the Purposes aforesaid; and all Contracts, Sales and Conveyances which shall be so made shall be valid to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary thereof in anywise notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Committees, Executors, Administrators, and all other Persons shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Proprietor of
Lands be-
tween Low-
ther Bridge
and the Hos-
pital Lane
End to erect
a Gate or
Gates, &c.

XXXVI. And be it further enacted, That as soon as the said intended Road shall be made, and the said Bridge built, it shall be lawful for the Proprietor of the Lands lying between *Lowther Bridge* and a Place called the *Hospital Lane End*, to erect a Gate or Gates across the present Road which passes through the said Lands, at such Place or Places as he may think proper: Provided always, that such Gate or Gates shall be kept unlocked, so that the Road may not be obstructed thereby.

Trustees not
to deviate
more than
One Hundred

XXXVII. And whereas Maps or Plans describing the Line of the said Road, and the Lands through which the same is intended to be carried, together with Books of Reference, containing Lists of the Names of the

the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the said Counties of *Westmorland* and *Cumberland* respectively; be it therefore enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the Clerks of the Peace for the said Counties, to the End that all Persons may at any reasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts thereof at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One Hundred Words of such Copies or Extracts of the said Map or Plan, and Book of Reference; and that the said Trustees in making, widening, diverting, shortening, varying, turning, or altering the said Road, shall not deviate more than One Hundred Yards from the Line described in such Map or Plan without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made, such Consent to be kept in the Office of the Clerk of the Peace for the said County of *Westmorland*.

Yards from the Line laid down in the Plan.

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

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

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

Deviation allowed with Consent of the Owners.

XL. And be it further enacted, That in all Cases where any inclosed Land shall be cut through for the Purposes of this Act, the said Trustees shall make or cause to be made proper Quickset Fences, or Stone Walls where necessary, as the Case shall require, so as effectually to guard and fence off the Lands adjoining to the said Road, and also proper Gates, Bridges, Arches, and other Works where necessary, out of the said Road into the Lands adjoining, and shall keep the Quickset Fences so to be made in good Order and Repair for the Term of Three Years, from the Time that such Quickset Fences shall have been made and planted; or in the Compensation to be made as well to the Owners and Occupiers of such Land, the making and so keeping in Repair such Fences, Gates, and Arches, Dykes or Ditches, as the Case shall require, shall be taken into Consideration, and an Allowance made for the same.

Fences to be made where the Road shall be cut through inclosed Lands, etc.

XLI. Provided

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

XLI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Trustees, or any of them, or their Surveyor or Surveyors, or any other Person or Persons, to begin to make the said intended Road in and upon, through or over any private Lands, Grounds, or Hereditaments, until the Owner or Proprietor, and every Person interested therein, shall be paid and satisfied, the Purchase Money to be agreed upon or adjudged, or assessed in the Manner herein mentioned for such private Lands, Grounds, or Hereditaments, to be taken for the Purposes of this Act; or such Purchase Money shall be deposited into the Bank of *England*, in the Name of the Accountant General of the Court of Chancery, in the Manner and subject to the Conditions, Orders, and Restrictions by this Act directed, where Persons cannot be found to treat with, as the Case may be.

Trustees not to take down Buildings, &c.

Except.

XLII. Provided always, and it is hereby enacted and declared, That the Power and Authority hereby given to the said Trustees shall not extend to the pulling down any Dwelling House or other Building, or taking in the Site of any House or other Building, or any Part thereof, or to take in any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground set apart as a Plantation, without the Consent in Writing of the Owners or Proprietors thereof, and Persons interested therein respectively, first had and obtained, except a Field House in the Occupation of *John Wharton*, and certain Buildings the Property and in the Possession of *John Hindson Esquire*, and *Jackson Roper*, adjoining the Tan Yards and *Barkhouse Bridge*, in the Parish of *Penrith* aforesaid, a Yard belonging to *Thomas Lamley*, and a Garden in the Occupation of *William Atkinson*.

Purchases may be made of Bodies Politic and others disabled from conveying.

XLIII. And whereas it may happen that some Bodies Politic, Corporate, Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other particular Estate or Interest, Femes Covert, Trustees, Guardians, Feoffees in Trust, Committees, Executors, Administrators, or others, are or may be seized or possessed of Lands, Grounds, and Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road, for turning, widening, altering, or amending the same; be it therefore further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Tail, or for any other particular Estate or Interest in Possession, Femes Covert, and their Husbands, Trustees, Guardians, and Feoffees in Trust, Executors, Administrators, Committees, and Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of any Infants, Lunatics, or *Cestuique* Trusts, and for all and every Person or Persons whomsoever, who are or shall be seized or possessed of, or interested in any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Five or more of them, for the Sale of such Lands, Grounds, or Hereditaments, or any Part thereof, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes, any Law, Statute,

Statute, Usage, or any other Matter or Thing to the contrary thereof in anywise notwithstanding.

XLIV. And be it further enacted, That if any such Body Politic or Corporate, or other Owners of, or Person or Persons interested in any such Lands, Grounds, or Hereditaments as aforesaid, or any such Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees, shall refuse to treat, or shall not agree for the Sale of any such Lands or Grounds, or for their Interest therein, or by reason of Absence shall be prevented from treating, the said Trustees shall, within Ten Days at the least before any General Quarter Session of the Peace to be holden for the County in which such Lands are situate, cause Notice in Writing to be given to such Owners or Persons interested, Feoffees, Executors, Administrators, or Guardians, and other Trustees respectively, or to the principal Officer of any such Body Politic or Corporate, or to be left at the House of the Tenant in Possession of the Lands, Grounds, or other Hereditaments intended to be purchased, purporting that the Value thereof will be adjusted and settled by a Jury at the said Session; then and in every such Case the Justices at such Session, upon Proof made to them of such Notice having been given or left as aforesaid, are hereby authorized and required to charge the Jury which shall attend at such Session, or some other Jury of Twelve honest Men, to be there impannelled and returned by the Sheriff of the said County, without Fee or Reward, and cause them to be sworn, well and truly, on their Oaths, to assess the Value of the Lands, Grounds, or Hereditaments mentioned or described in the said Notice, and the Damages or Recompence to be given for the same, or such Part or Parts thereof as shall be intended to be taken and used for the Purposes of this Act, to the respective Owners and Persons interested, according to their respective Interests therein; and the said Trustees and all Persons interested shall have their lawful Challenges against any of the said Jury when they come to be sworn; and the said Jury being so sworn and charged as aforesaid, and after proper Evidence, on Oath, to them given (which Oath, and also the Oath to the said Jury, the said Justices are hereby authorized and required to administer), concerning the Nature, Quantity, and Value of such Lands, Grounds, or other Hereditaments, or such Part or Parts thereof as aforesaid; and also after having viewed the Place in Question (if judged necessary by the said Justices in Session assembled, on the Application of the said Trustees, or any of the Parties interested), shall by their Verdict assess, declare, and ascertain the Quantum of the Damages and Recompence to be given for the same to such respective Owners and Persons, according to their respective Interests therein; and such Verdict of the said Jury shall be final, binding, and conclusive to the said Trustees, and to all Persons and Parties interested in the said Lands, Grounds, or Hereditaments; and the said Justices shall and may award Costs to either Party as in their Discretion shall seem meet.

XLV. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence or Satisfaction for the Right, Interest, or Property of any Person or Persons in any Lands, Tenements, or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than shall have been agreed to and offered by or on Behalf of the said Trustees before the

[Loc. & Per.]

29 K

summoning

Value of
Land to be
ascertained by
a Jury.

Expences of
Jury how to
be defrayed.

summoning and returning of the Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then and in such Case the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more or leis Money than shall have been agreed to and offered by or on Behalf of the said Trustees, before the summoning and returning of the said Jury, as a Recompence and Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be paid and borne by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by one or more Justice or Justices of the Peace for the said Counties, not interested in the Matter in Question, (who is and are hereby authorized and required to settle the same), shall be deducted out of the Money so assessed and adjudged, as so much Money advanced for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment 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 said Trustees by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in case any Person 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 out of any Money to be raised or received under or by virtue of this Act.

On Payment
of Purchase
Money
Lands may
be made use
of.

XLVI. And be it further enacted, That all Sums of Money so assessed as aforesaid shall be, and the same are hereby charged upon the Monies which shall be collected or raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or by their Treasurer, to the Person or Persons respectively entitled thereto, or to his, her, or their Agents; and upon Payment thereof to such Person or Persons, or his, her, or their Agent or Agents, or in case of Refusal to accept the same after Tender thereof, then on depositing the same in the Bank of *England* in Manner by this Act directed (as the Case shall be), such Lands or Grounds as aforesaid shall be laid into and make Part of the said Road, and shall, to all Intents and Purposes whatsoever become and be deemed and taken to be a Public and Common Highway, and be from thenceforth Part of the said Road for ever, and shall be repaired and kept in Repair by such Ways, Means, and Methods, and in all Respects in such Manner as the High Roads within the Parish or Place where such Lands or Grounds are situated, are by Law and this Act to be kept in Repair; and all Parties and Persons shall for ever thereafter, be divested of all Right and Title to such Lands or Grounds, or other Hereditaments; and after any such New Road shall be completed in lieu of any Old Road, the Ground constituting the former Road (unless leading to some Village, Town, or Place to which such New Road doth not lead) shall be

be vested in, and shall and may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repairs of the Road hereby intended to be repaired; and the Conveyance to be made of such Ground, being executed by any Five or more of the said Trustees, and inrolled with the Clerk of the Peace for the County in which the said Old Road is situate, shall be good and effectual in the Law, to all Intents and Purposes: Provided always, that in widening, turning, or altering the Course of any Part of the said Road, nothing shall be done which shall or may in anywise damage or injure any Dwelling House or other Building, or any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House or Plantation, or Nursery planted with Trees, on or before the First Day of *January* One thousand eight hundred and twelve, unless the Owner or Proprietor thereof shall consent in Writing thereto.

XLVII. Provided always, and be it further enacted, That in case the said Trustees shall think proper to sell or dispose of any Piece or Pieces of Ground not wanted for the Purposes of this Act, they shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or (in case such Ground shall be a Piece or Pieces of old Road) to the Person or Persons whose Lands shall adjoin thereto; and if such Person or Persons respectively shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Piece or Pieces of Ground shall be situate, (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no Way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on the Behalf of the said Trustees, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of Ground, and he, she, or they, and the said Trustees, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner by this Act directed, with respect to disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act directed, with respect to such Purchases made by the said Trustees, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Trustees of such Piece or Pieces of Road or Ground as aforesaid, shall be applied to the Purposes of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Mis-application or Non-application of such Money.

First Offer to whom to be made.

XLVIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes

Application of Compensation when amounting to 200l.

Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, 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 of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled 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, and Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood, settled, or limited, or such of them as at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time, and until the said Bank Annuities shall be ordered by the 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 Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

XLIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, 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

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 Five 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 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.

L. Provided always, 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 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, and Hereditaments, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them shall think fit; or in case of Lunacy or Infancy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where Money is less than 20l.

LI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then, and in every such Case, it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded 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, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof by Motion or Petition, shall be, and is hereby empowered in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or 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, 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 allowed for Lands, &c. purchased, how to be charged and tendered.

Respecting
disputed Ti-
tles to Money.

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

Court of
Chancery to
direct the
Payment of
Expences.

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

Persons
chargeable
to Statute
Work to con-
tinue so; and
authorizing
Justices to
determine
Differences
touching
Statute
Work.

LIV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said Counties of *Westmorland* or *Cumberland*, in their respective Jurisdictions, 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 Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of and 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

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 Ten Days after the serving of such Summons), of the Names of the several Persons, who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid; which List 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 public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons, who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time 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, or appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work, as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Acts or 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 public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Road; 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.

LV. Provided

Trustees may compound for Statute Work.

LV. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered to compound and agree with any Person or Persons who are to repair by Reason of their Tenure, or otherwise, and with the several Inhabitants or Occupiers of Lands, Tenements, or Hereditaments within the several Towns, Parishes, Hamlets, and Places through which the said Road hereby intended to be repaired, or any Part or Parts thereof, do or shall lead, for the Repairs aforesaid, and for the several Days Statute Work, or other Work to be by him, her, or them respectively done upon the said Road, at and for such Rates and Sums of Money, by the Year or otherwise, as they the said Trustees, or any Five or more of them, and the Inhabitants or Occupiers respectively shall agree upon, which said Money shall be paid to the said Trustees, or any Five or more of them, or to such Person as they shall appoint, and be laid out in the Repairs of the said Road.

Persons who may be Prosecutors, and Persons prosecuted indemnified.

LVI. And be it further enacted, That in case any Action or Prosecution shall be commenced, or prosecuted in pursuance of this Act, under the Authority of the said Trustees, or any Three or more of them, in every such Case, the said Trustees, or any Three or more of them, shall, out of the Monies arising by virtue of this Act, allow and pay to the Prosecutor, or to such Person or Persons in whose Name or Names such Action or Prosecution shall be commenced and prosecuted, all such reasonable Costs and Charges as such Person or Persons shall really and *bona fide* expend, for or by Reason of such Action or Prosecution, on any Judgment or Determination therein, and likewise indemnify all such Persons as shall be prosecuted, or have any Action or Actions brought against them, for or by reason of any Thing done in pursuance of this Act, under the Authority and by the Directions of the said Trustees, or any Three or more of them.

Subscribers shall pay their Subscriptions.

LVII. And be it further enacted, That the several and respective Persons who have subscribed, or may hereafter subscribe, any Sum or Sums of Money for and towards making and repairing the said Road and Bridge, and their respective Heirs, Executors, and Administrators, shall, and they are hereby required to pay the Sum or Sums so subscribed, or such Parts or Proportions thereof, within such Time and Times, and to such Person or Persons as the said Trustees, or any Three or more of them shall, by any Writing under their Hands, authorize to receive the same, so as the said Trustees, or any Three or more of them, shall not call at any one Time for any greater Instalment than Twelve Pounds *per Centum* on every One hundred Pounds of such Subscriptions, nor shall make any such Call at a less Distance than the Space of One Calendar Month after the Call immediately preceding; and if any Person or Persons shall, after Twenty-one Days previous Notice, in Writing, under the Hands of the Treasurer, or Clerk to the said Trustees for that Purpose, to him, her, or them given or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees, or any Three or more of them, in the Name or Names of their Treasurer or Treasurers, or their Clerk or Clerks, to bring or cause to be brought any
Action

Action of Debt, or on the Case, Bill, Plaint, or Suit, against any Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparance shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, the respective Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit; and that the Venue in every such Action shall be laid in the said Counties of *Cumberland* or *Westmorland*, and not elsewhere.

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

| | | | |
|--------------------------|---|------------------|---------------------|
| County of } to wit. } | BE it remembered, That on the | Day of | Form of Conviction. |
| | in the Year of our Lord | | |
| | A. B. is convicted before me (or, us) | of His Majesty's | |
| | Justices of the Peace for the County of | (or, as the | |
| | <i>Case may be, specifying the Offence, and the Time and Place when</i> | | |
| | <i>and where the same was committed, as the Case shall be).</i> Given under | | |
| | my Hand and Seal (or, our Hands and Seals) the Day and Year first | | |
| | above written. | | |

LIX. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted or authorized to be imposed, if the Manner of levying and recovering thereof is not herein otherwise directed, and where the Penalty for the Offence shall not exceed the Sum of Five Pounds, shall, upon Proof of the Offences respectively, before any One or more Justice or Justices of the Peace for the County, District, or Place wherein the Offence shall have been committed, or any One Justice of the Peace for the County, District, or Place wherein the Offender shall reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, (which Oath such Justice or Justices is and are hereby empowered and required to administer, without Fee or Reward) be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal of such Justice, (which Warrant or Warrants such Justice is hereby empowered to grant for those Purposes); and the Overplus, after such Penalties and Forfeitures, Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be (if not otherwise directed to be applied by this Act), from Time to Time paid, One Moiety to the Informer, and the other Moiety to any Three or more of the said Trustees, or to their Clerk or Clerks, Treasurer or Treasurers, and be applied in the Repair of the said Bridge and Road; and in case sufficient Distress shall not be found, or such Penalties or

Forfeitures, with such Costs, shall not forthwith be paid, it shall be lawful for any One or more Justice or Justices of the Peace as aforesaid, and he or they is and are hereby authorized and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County, District, or Place wherein the Offence shall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Recovery and Application of Penalties exceeding Five Pounds.

LX. And be it further enacted, That all such Fines, Penalties, and Forfeitures imposed by this Act, as amount to more than the Sum of Five Pounds, shall be sued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster* respectively; and that One Moiety of every such Fine, Penalty, or Forfeiture last mentioned shall be to the Use of the said Trustees, to be paid to their Treasurer or Treasurers, Clerk or Clerks, and be applied in Repair of the said Road and Bridge, and the other Moiety to the Use of him, her, or them, who shall inform or sue for the same, with Costs of Suit.

Proceedings not to be quashed for want of Form.

LXI. And be it further enacted, That no Proceedings of the said Trustees, or of any Justice or Justices of the Peace, or any of them respectively, touching or concerning or in Execution of any Power or Authority vested in such Trustees or Justices respectively by this Act, shall be quashed or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or any other Courts of Record in that Part of the United Kingdom called *England*, any Law or Statute to the contrary notwithstanding.

Distress not to be deemed unlawful for want of Form, &c.

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

Limitation of Actions.

LXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Fourteen Days Notice thereof in Writing shall have been given to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, or after a sufficient Satisfaction or a Tender thereof, hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed; and every such Action shall be laid in the Counties of *Cumberland* or *Westmorland*, and not elsewhere; and the De-

Defendant or Defendants in every such Action or Suit shall and may plead at his, her, and their Election specially, or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or such Action or Suit shall be brought before Fourteen Days Notice shall have been given thereof as aforesaid, 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 elsewhere than in the said Counties of *Cumberland* or *Westmorland*, then the Jury shall find a Verdict 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 Actions, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

LXIV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, and for which no particular Method of Relief hath already been applied, such Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the County where such Cause of Appeal shall happen to arise, within Three Calendar Months next after the Cause of such Complaint shall have arisen, such Appellant first giving or causing to be given, Ten Days Notice at the least in Writing, of his or her Intent to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, and within Ten Days after such Notice, entering into a Recognizance before some Justice of the Peace for the County where such Cause of Appeal shall have arisen, with Two sufficient Sureties to try such Appeal, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such General Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing, or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes; and the said Justices at such Session may also by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for Want of sufficient Distress commit such Person or Persons to the Common Gaol or House of Correction of or for the County wherein such Quarter Session shall be held, for any Time not exceeding Six Calendar Months, or until Payment of such Costs.

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

LXVI. And

Commence-
ment and
Continuance
of this Act.

LXVI. And be it further enacted, That this Act shall commence on the Day of the passing thereof, and shall continue in Force, and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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