



ANNO QUINQUAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. Ixx.

An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from *Ulverstone* to *Kendal*, into the Turnpike Road leading from *Millthorpe* to *Kendal*, and a Continuation of the said Road from the last-mentioned Turnpike Road to join the Turnpike Road leading from *Lancaster* to *Kendal*. [23d May 1818.]

WHEREAS the making and maintaining of a Turnpike Road from and out of the Turnpike Road leading from *Ulverstone* to *Kendal*, at or near *Green Odd*, near *Penny Bridge*, in the Parish of *Ulverstone*, in the County Palatine of *Lancaster*, into the Turnpike Road leading from *Millthorpe* to *Kendal*, at or near *Levens Bridge*, in the Parish of *Heversham*, in the County of *Westmorland*; and the making and maintaining a Continuation of the said Road from and out of the said last-mentioned Turnpike Road at or near *Millthorpe*, in the said Parish of *Heversham*, to join the Turnpike Road leading from *Lancaster* to *Kendal*, at or near *Carnforth*, in the Parish of *Warton*, in the said County of *Lancaster*; and which said Road passes or is intended to pass through or into the several Parishes of *Ulverstone*, *Coulton*, and *Cartmel*, in the said County of *Lancaster*, the Parishes of *Beetham* and *Heversham*, in the said County of *Westmorland*, and the Parish of *Warton*, in the County of *Lancaster* aforesaid; would be of great Advantage and Convenience to the Land Owners and Inhabitants of the Neighbourhood and the adjacent Country, and

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would greatly facilitate the Communication between the Northern Parts of *Lancashire* and the Western Parts of *Yorkshire*, and all Places to the South thereof, with the Hundred of *Lonsdale*, North of the *Sands*, and the Towns of *Ulverstone* and *Whitehaven*; and would likewise be the Means of preventing the Loss of many Lives, by avoiding a dangerous Estuary and perilous Sands, and would otherwise be of great public Utility; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *James Adam, John James Adam, Francis Dukinfield Astley, Montague Farrer Ainsley, Thomas Ainsworth, William Atkinson of Dalton, William Atkinson of Burton, Sir Robert Bromley Baronet, the Reverend Anthony Barrow, John Blackburne, Wilson Gale Braddyll, George Bigland, George Bigland the younger, John Bolton, John Bolden, Robert Bradley, Arthur Benson, James Bateman, James Barrow, John Barrow, Robert Benson, George Braithwaite, Daye Barker, William Bindlofs, William Bownas, William Fletcher Bownas, Miles Theodore Burton, John Burrow, John Bradshaw, Robert Bradshaw, John Bramwell, Atkinson Brockbank, Joseph Braithwaite, John Bowerbank, the Right Honourable Lord George Augustus Henry Cavendish, Henry Frederick Compton Cavendish, Charles Compton Cavendish, Charles Clowes, William Dillworth Crewdson, David Campbell, William Cragg, James Crosfield, Thomas Clarkson, Paul Catherall, William Cooper, John Crayston, Thomas Croft, the Reverend John Dawson, Edward Dawson, Robert Dickinson, John Dodgson, Robert Dennison, Robert Daniel, the Reverend Edward Ellerton, Sir Daniel Fleming Baronet, Ralph Fisher, Robert John Fayerer, Robert Fell, William Fell, Thomas Fell, Richard Crampton Fell, John Ford, William Field, James Gandy, Thomas Gandy, John Gandy, James Gandy the younger, Walter Gardner, Samuel Gawthrop, Robert Gawthrop, William Gray Master of Arts, Robert Greenhow, Effingham Howard Grant, John Gibson, Thomas Greene, the Honourable Fulk Greville Howard, Richard Howard, Edmund Hornby, the Reverend John Hudson, William Hutton, William Hutton the younger, Edward Hutton, Jonathan Hodgson, James Hodgson, David Huddleston, Robert Harrison, Thomas Harrison, Daniel Harrison, Benjamin Hunter, Isaac Hadwen, John Harrison, John Harriman, Robert Hardy, Robert Hardy the younger, Anthony Huddleston, William Birkbeck Harrop, Robert Hancock, William Hird, John Holme, John Higgin, John Higgin the younger, John Jenkinson, John Ireland, John Ireland the younger, Robert Inman, Christopher Johnson, James Johnson, Thomas Johnson, Michael Knott, James King, John Kitching, John Kew, Moorcroft Kirkes, the Right Honourable William Lord Viscount Lowther, the Honourable Henry Cecil Lowther, William Lawson, James Hoggarth Long, Robert Lumb, Thomas Holme Maude, Thomas Michaelson Machell, James Penny Machell, James M'Quhae, William Mason, James Machell, Thomas Machell, Thomas Newby, John Newby, James Newby, Edmund Petty, Charles Parker, Jonathan Parker, John Postlethwaite, Isaac Rigge, the Right Honourable Lord Stanley, the Reverend James Stairbank, George Smyth, the Reverend John Sunderland, the Reverend Henry Sill, Thomas Sunderland, Thomas Strickland, Joseph Swainson, John Fell Swainson, Joseph Swainson the younger, William Sharp, James Stockdale, Arthur Shepherd, Miles Sandys, Richard Smithes, Henry Smithes, Thomas Smithes, Edward Suart, Thomas Simpson, the*

Reverend Joseph Thexton, the Reverend Thomas Thornburrow, William Townley, Richard Towers, John Thompson, William Town, Robert Thornburrow, John Upton, Daniel Wilson, Edward Wilson, John Wakefield, Jacob Wakefield, John Wakefield the younger, Edward Wakefield, William Wakefield, Christopher Wilson, Edward Wilson, Richard Winfield, Joseph Waithman, William Waithman, William Wilson Carus Wilson, John Wilkinson, Isaac Whitwell, Smith Wilson, Francis Webster, James Wilkinson, George Whitaker, the Reverend Edward Yates, Joseph Yarker, John Yarker, Anthony Yates, George Yates, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for making, maintaining, repairing, and otherwise improving the said intended Road; and for otherwise carrying this Act and all the Matters and Things herein contained into full and complete Execution and Effect.

II. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at a Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Ten Days Notice shall be given, in the Manner herein-after directed respecting Meetings for the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons, not exceeding Ten in the Whole, to be Trustees for executing this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been appointed in and by this Act.

Power to appoint additional Trustees.

III. And be it further enacted, That upon the Death, Refusal, or Disability to act in the Execution of this Act of any of the said Trustees or their Successors, then and in every such Case it shall and may be lawful to and for any Five or more of the surviving or remaining Trustees from Time to Time, at any Meeting of the said Trustees, (of the Time and Place of which Meeting Notice shall have been inserted once in some Newspaper or Newspapers published or circulated in the said Counties of *Lancaster* and *Westmorland*, or affixed on all and every the Turnpike Gates then standing on the said Road, at least Ten Days previous to such Meeting), to elect and appoint One or more other Person or Persons to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying, refusing, or becoming incapable to act as aforesaid; and every Person so to be elected and appointed (being qualified as herein-after mentioned) shall be and he is hereby empowered to act in the Execution of this Act in as full and ample Manner, to all Intents and Purposes, as the Trustee in whose Room or Stead he shall be so elected could or might have done.

Election of new Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds, or be possessed of or entitled to a Personal Estate alone, or Real and Personal Estate together, of the Value of One thousand Pounds or shall be Heir apparent of some Person possessed of some Estate in Lands of the clear yearly Value of One hundred Pounds; nor shall any Person be capable of acting in the Execution

Qualification of Trustees.

Execution of this Act, not being such Heir apparent as aforesaid (save and except in administering the Oath or Affirmation following to the other Trustees), until he shall have taken and subscribed the Oath or Affirmation following, before any Two or more of the said Trustees, who are hereby authorized and required to administer the same; (that is to say),

Oath.

‘ I do swear, [or, being one of the People called Quakers, do solemnly affirm], that I truly and *bonâ fide* am in my own Right [or, in the Right of my Wife, *as the Case may be*] in the actual Possession or Enjoyment of Lands, Tenements, or Hereditaments of the clear yearly Value of Fifty Pounds [or possessed of or entitled to Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of One thousand Pounds, or am Heir apparent of *A.B.* who to the best of my Knowledge and Belief is possessed of such an Estate of the clear yearly Value of One hundred Pounds]; and that I will truly, faithfully, and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*]. So help me GOD.’

Penalty on acting not being qualified.

And if any Person not being so qualified shall act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act.

All Acts of Trustees not qualified, if done before Conviction, valid.

V. Provided nevertheless, That all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act (although not duly qualified as aforesaid) previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person or Persons had been qualified according to the Directions of this Act.

Persons holding any Place of Profit not to act as Trustees.

VI. And be it further enacted, That no Person or Persons appointed or to be appointed a Trustee or Trustees for putting this Act into Execution, who shall have or accept any Place or Office of Profit arising out of or by reason of any Tolls or Duty by this Act granted, or who shall be interested or concerned in any Contract or Contracts, or a Lessee or Lessees, Farmer or Farmers of the Tolls granted by this Act, shall be capable of acting as a Trustee or Trustees in the Execution of this Act during the Time of his or their Enjoyment of such Place of Profit as aforesaid.

Victuallers, &c. incapable of acting.

VII. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling House, Alehouse, or other House of public Entertainment, or who shall sell any Wine, Cider, Beer, Ale, Spirituous or other Strong Liquors by Retail, shall be capable of acting as a Trustee, or of taking, holding, or enjoying any Place or Places of Trust

Trust or Profit under the said Trustees, or of collecting the Tolls hereby granted or made payable and to be collected on the said Road, during such Time as he, she, or they shall keep such Victualling House, Alehouse, or other House of Entertainment, or shall sell any Wine, Cider, or Beer, Ale, Spirituous or other Strong Liquors by Retail; but no such Person shall be precluded from farming such Tolls, provided he, she, or they employ a Person to collect such Tolls who shall not be under any such Incapacity.

VIII. And be it further enacted, That such of the Trustees as are or shall be Justices of the Peace, shall and may, in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Case where he or they shall be personally interested; and that no Mortgagee or Assignee of any Mortgage or other Security, or any Lender of Money upon the Credit of any of the Tolls granted by this Act, or receiving Interest for the same, shall on that Account be deemed disqualified to act as a Trustee.

Trustees may act as Justices except where interested.

Mortgagee or Assignee may act as Trustee.

IX. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet and assemble at the *Spa Inn* in *Wether Slack* in the said County of *Westmorland*, if then open, and if not, then at some other Inn in *Wether Slack* aforesaid, or at *Millthorp* in the said County of *Westmorland*, on the Third *Tuesday* after the passing of this Act, between the Hours of Ten in the Morning and Two in the Afternoon, for the Purpose of carrying this Act into Execution, and shall then, and from Time to Time afterwards, adjourn themselves to meet at the Place aforesaid, or at any other Place or Places that the said Trustees shall think proper or convenient, so often as it shall be necessary for carrying this Act into Execution; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Thirty Days then following, to be holden at the same Place; and the said Clerk shall cause public Notice thereof to be inserted once in some Newspaper or Newspapers published in the said Counties of *Lancaster* and *Westmorland*, or affixed on all the Turnpike Gates that shall be standing on the said Road, Ten Days at least before the Day to which such Meeting shall be so adjourned; and that the said Trustees shall, at their several Meetings, pay and defray their own Expences.

First Meeting of the Trustees.

X. And be it further enacted, That no Act of the said Trustees hereby nominated and appointed, or to be elected by virtue of this Act, shall be or be deemed to be good, valid, or effectual, unless the same be made or done at some Meeting to be holden in pursuance of this Act, (except as herein excepted); and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, (the Number of Trustees present at such Meeting not being less than Five, except where otherwise directed); and all the Orders and Proceedings of the major Part of such Trustees present at such their several Meetings, shall have the same Force

No Act valid unless at a Meeting.

The Majority may act, the whole Number not being less than Five.

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and

Chairman to be appointed, and to have the casting Vote.

and Effect as if the same were made or done by all such Trustees for the Time being, (save and except as herein excepted); and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every such Case the Chairman shall have, and he is hereby empowered to give, the decisive or casting Vote.

Annual Meeting of the Trustees to be held for auditing the Accounts.

XI. Provided always, and be it further enacted, That on the First *Tuesday* in the Month of *June* in every Year, a General Meeting of the said Trustees shall be holden at *Witherslack*, or at *Millthorp* aforesaid, or at some other Place within the Distance of Two Miles from the Line of the said intended Road, as the said Trustees may appoint, for the Purpose of examining the Accounts of the Clerk, Treasurer, Surveyor, and Collector of Tolls, and other Persons employed in the Receipt or Expenditure of any of the Monies belonging to the said Road; and it shall and may be lawful to and for the said Trustees then and there assembled to allow and pass such Accounts, or so much thereof as they shall think proper, and to choose new Trustees in the Room of such as shall be dead, or have refused or become incapable to act, in Manner hereinbefore mentioned; and to do such other Acts, Matters, and Things in the Business of the Trust which shall at any such Meeting occur: Provided also, that nothing herein contained shall extend or be construed to extend to prevent the said Trustees from calling for and examining the said Accounts, when and as often as they shall think proper so to do.

No Order to be revoked but at a Special Meeting and by a Majority of the Trustees present.

XII. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose; nor unless Notice, specifying the Revocation or Alteration proposed to be made, be inserted once in such Newspaper or Newspapers as aforesaid, or affixed upon all and every the Turnpike Gates that shall be standing upon the said Road, at least Ten Days before such subsequent Meeting; nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in Favour of such Revocation or Alteration.

Meetings on Emergencies.

XIII. And be it further enacted, That if after the Adjournment of any Meeting of the said Trustees, it shall be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by any Adjournment, or if for Want of proper Adjournment or otherwise it shall be necessary to call a Meeting of the said Trustees, the Clerk or Clerks to the said Trustees, upon an Order in Writing signed by any Five or more of the said Trustees, mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice, in the Manner hereinbefore directed, of the Time and Place of holding a Meeting, according to such Order of the said Trustees (the Time not being less than Ten Days after such Notice), and such Meeting shall and may be held accordingly; and all the Proceedings of the Trustees, at any such Meeting, shall be as valid and effectual, to all Intents and Purposes, as they would have been in case such Meeting had been held in pursuance of Adjournment.

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

Proceedings
to be entered
in a Book.

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

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the In-
spection of
the Trustees
and Creditors.

XVI. And be it further enacted, That in case any Trustee shall directly or indirectly be concerned in any Contract for any Work or other Thing to be done by virtue of this Act, such Person shall not only be incapable of acting as a Trustee in the Execution of this Act, but shall also forfeit and pay the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Trustees not
to be con-
cerned in
Contracts.

XVII. And be it further enacted, That the said Trustees shall and may, at their First or any subsequent Meeting, within Three Calendar Months after the passing of this Act, by Writing under their Hands, elect and appoint a Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, and Collector or Collectors of the Tolls by this Act granted, and a Surveyor or Surveyors, and such other Officers as they the said Trustees shall think proper; and also that it shall and may be lawful to and for the said Trustees from Time to Time to remove such Clerks, Treasurers,

Trustees to
appoint
Officers.

Treasurers, Receivers, Collectors, Surveyors, and other Officers, or any of them; as the said Trustees shall see Occasion, and from Time to Time to appoint others in the room of such of them as shall be so removed, or as shall die, resign, or refuse or neglect to perform, or become incapable of performing their Duty; and that the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, give such Salaries or make such Allowances to the Clerks, Treasurers, Receivers, Collectors, Surveyors, and other Officers so appointed, and also to any other Person or Persons who shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and all such Officers and other Persons shall from Time to Time, as often as they shall be called upon for that Purpose, produce and give up to such Trustees full, true, and perfect Accounts in Writing under their respective Hands of all Monies which shall have been by them respectively had, received, or collected, and how, to whom, and for what Purposes such Monies and every Part thereof shall have been paid, disposed of, or applied, together with proper Receipts and Vouchers for such Payments; and all such Officers and other Persons shall and they are hereby respectively required to pay all such Monies as shall appear to be in their respective Hands to the said Trustees, or to such Person or Persons or for such Uses and Purposes, as they the said Trustees shall direct and appoint; and if any such Officer or Officers or other Person (being required so to do as aforesaid) shall refuse or neglect to produce and give up such Account or Accounts as aforesaid, or to produce and deliver up to the said Trustees the Receipts and Vouchers relating to the same, or to pay as aforesaid any Sum or Sums of Money which shall appear to remain in his or their Hands, or shall not deliver to the said Trustees, within Fourteen Days next after having been thereunto required as aforesaid, all the Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the said Cases any one or more of His Majesty's Justices of the Peace for the County where the Offence shall be committed, shall, upon Complaint of the said Trustees, or of any Person or Persons they shall appoint for that Purpose, issue a Summons under his or their Hand or Hands for such Officer or Person to appear before him or them, and upon such Officer or Person appearing, or having been summoned and not appearing, or in case it shall appear that such Officer or other Person hath not been found, such Justice or Justices shall make Inquiry concerning such Default and the Matter of Complaint, and shall hear and determine the same in a summary Way; and if upon Confession of the Party, or by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby empowered and required to administer), it shall appear to such Justice or Justices that any of the Monies which shall have been raised or collected under this Act shall remain due from such Officer or other Person, such Justice or Justices may and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or other Person; and if no Goods or Chattels of such Officer or other Person can be found sufficient to satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if any such Officer or other Person shall be convicted of any other of the Offences aforesaid, such Justice or Justices is and are hereby empowered

Proceedings
against Offi-
cers refusing
to account or
deliver up
Books, &c.

empowered to commit such Officer or other Person to the Common Gaol for the County or Place where such Officer or other Person shall live or reside, there to remain without Bail or Mainprize until such Officer or other Person shall have produced, given up, and made a true and perfect Account as aforesaid, and shall have made such Payments as shall appear to be due from him as aforesaid, or until he shall have compounded with the said Trustees for the same (which Composition the said Trustees are hereby empowered at any Meeting to make and accept), and shall have paid such Composition Money to the said Trustees or their Treasurer or Treasurers, or to such Person as the said Trustees shall appoint, or until such Officer or other Person shall have delivered up all such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or other Person so committed as aforesaid shall be confined or detained in Prison for want of sufficient Distress by virtue of this Act for any longer Time than Six Calendar Months.

XVIII. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from their Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of the Tolls, or other Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as they the said Trustees, or any Five or more of them, shall think proper; and that no such Treasurer, Receiver, Collector, or other Officer shall be permitted to enter upon such their Offices respectively until they shall have given such Security.

Treasurer and other Officers to give Security for the faithful Execution of their Duty.

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

Clerk not to act as Treasurer, and vice versa.

XX. And be it further enacted, That when and so often as any Collector or Receiver of the Tolls shall die, neglect or refuse to perform, or become incapable of performing his Duty, or shall abscond or absent himself, it shall be lawful for any Five or more of the said Trustees, although not assembled at a Meeting of the said Trustees to be appointed by virtue of this Act, to discharge such Collector or Receiver so neglecting or refusing to perform, or becoming incapable of performing his Duty, or absconding or absenting himself, and to nominate and appoint some other Person or Persons to be Collector or Receiver of the said Tolls, until the

Trustees may remove Collectors and appoint temporary ones.

[Local.]

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then

Collectors
refusing to
deliver up
Toll Houses,
&c.

Justices em-
powered to
grant War-
rants, and
Constable to
enter and re-
move such
Collectors.

then next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the like Manner, in all Respects, as the Collector or Receiver who shall so die or be discharged would have had or been subject to; and that if any Collector or Receiver of the said Tolls, who shall be discharged from his Office by virtue of this Act, or the Wife or Widow, or any of the Children, Family, or other Representatives of any Collector or Receiver who shall die or be discharged, or any other Person or Persons who may have the Possession of any Toll House or Building, or Appurtenances, to be erected, set up, or used by virtue of this Act, shall neglect or refuse to deliver up the Possession thereof for the Space of Four Days next after Demand thereof made, by Notice in Writing signed by any Five or more of the said Trustees (although not assembled at a Meeting), or by their Clerk, Treasurer or Treasurers, for that Purpose given to such Collector or Receiver, or left at any such Toll House, Building, or Premises; then and in any of the said Cases it shall be lawful for any one or more Justice or Justices of the Peace for the County where the Offence shall be committed, by Warrant under his or their Hand and Seal or Hands and Seals, to order any Constable or other Peace Officer for the said County, with such Assistance as may be necessary, to enter such Toll House or other Building, in the Day-time, and to remove the Person or Persons who shall be found therein, together with his, her, or their Goods out of the same, and to put the said Trustees or any Two or more of them, or such new appointed Collector or Receiver as aforesaid, into the Possession thereof.

Actions to be
brought in
the Name of
the Treasurer
or Clerk, or
of Trustees,
who are not to
be personally
liable to
Costs.

XXI. And be it further enacted, That the said Trustees may sue and be sued in the Name or Names of the Treasurer or Clerk, or in the Name or Names of any one of the said Trustees, on Behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name or against whom the same shall be brought or commenced, nor by the Act of such Person or Persons done without the Consent of the said Trustees, or any Five or more of them, at a Meeting to be holden in pursuance of this Act; but no Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Debt, Costs, or Expences on account thereof, but all such Debt, Costs, and Expences shall be defrayed out of the Money arising by virtue of this Act, collected or received by the said Trustees.

Trustees may
erect Toll
Houses, &c.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, from Time to Time to erect and set up, or cause to be erected and set up, such and so many Turnpikes or Toll Gates in, upon, or across, or on the Side or Sides of any Part or Parts of the said Road, and across any Lane or Way leading into, from, or out of the same; and also such Toll House or Toll Houses, Weighing Engine or Weighing Engines, to each Gate or Turnpike, or otherwise, as they shall think necessary, with suitable Outbuildings thereto; and also may inclose, from the said Road and Waste Grounds thereunto adjoining, convenient Garden Spots to the said Toll Houses, not exceeding in the Whole One Quarter Part of an Acre for each Toll House, as they may judge proper; and that the following Sums of Money shall and may be demanded

demanded and taken as Tolls before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through any such Turnpike or Toll Gate, Turnpikes or Toll Gates, respectively; that is to say,

For every Horse or other Beast drawing any Coach, Berlin, Chariot, Landau, Barouche, Phaeton, Hearse, Curricule, Calash, Chaise, Car, Gig, Chair, Caravan, or other such Carriage, the Sum of Sixpence:

For every Carriage fixed in any Manner to any Waggon, Wain, Dray, Cart or other Carriage, the Sum of Nine-pence:

For every Dray so constructed as that the Distance between the Axletrees thereof shall be more than Nine Feet, and laden otherwise than with a single Piece or Block of Timber or Stone, the Sum of One Shilling and Sixpence, over and above the Toll payable for each of the Horses or Beasts of Draught drawing the same:

For every Horse, Mule, Ox, or Bullock drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, where such Carriage shall be drawn by only One Horse, Mule, Ox, or Bullock, the Sum of Four-pence; and for every Ass drawing any such Carriage, the Sum of Two-pence:

For every Horse, Mule, Ox, or Bullock drawing any Waggon, Wain, Dray, Cart, or other such like Carriage where such Carriage shall be drawn by more than One such Horse, Mule, Ox, or Bullock, the Sum of Sixpence:

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in Proportion for any less Number; and for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in Proportion for any less Number.

XXIII. And be it further enacted, That it shall and may be lawful to and for the respective Toll-Gatherers, Collectors, and Renters of Tolls on the said Road, and they are hereby authorized and empowered, on each and every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night) in each and every Year during the Continuance of this Act, to demand and take, for and in respect of every Horse, Beast, or other Cattle passing through any Toll Gate or Side Gate now or hereafter to be erected upon the said Road, the Toll or Sum which may for the Time being be demanded and taken by virtue of this Act for the same respectively on any other Day of the Week, and One Half more, before such Horse, Beast, or other Cattle shall be permitted to pass through any such Toll Gate or Gates, or Side Gate or Gates respectively.

Additional
Tolls to be
taken on
Sundays.

XXIV. And be it further enacted, That all Waggons, Carts, or other Carriages, having the Wheels of the Widths and Descriptions and the Axletrees fixed as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow of their carrying extra Weights in certain Cases*, shall be entitled to an Abatement of One-fourth Part of the Tolls hereby granted.

Waggons,
&c. having
Wheels and
Axletrees
according to
55G.3.c.119.
to have an
Abatement
of One Fourth
of Toll,

XXV. Pro-

Number of
Tolls to be
taken.

XXV. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Four full Tolls to be demanded or taken for the Passage of the same Horse, Beast, Cattle, Carriage, or Thing, through all the Toll Gates erected or to be erected on the said Road on the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night: Provided always, that in case any Toll Gate shall be erected at a less Distance than Four Miles from any other Toll Gate on the said Road, then any Person or Persons producing a Ticket, denoting the Payment of Toll at one of such Gates, shall not pay Toll at any other which shall be within Four Statute Miles of the former at which the Toll denoted by such Ticket shall have been paid.

Recovery of
Tolls.

XXVI. And be it further enacted, That the said respective Tolls shall be and they are hereby vested in the said Trustees; and if any Person or Persons, subject to the Payment of any of the said Tolls, shall, after Demand thereof made by any Collector or Collectors to be appointed as aforesaid, or his or their Servant or Agent, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the said respective Collectors of the Tolls, or other Person or Persons whom they or any of them shall take to their Assistance therein, to seize and distrain any Horse, Beast, or other Cattle upon which any such Tolls are by this Act imposed, or the Loading, Harness, or Accoutrements of any such Horse, Beast, or other Cattle, belonging to any Person or Persons so neglecting or refusing, and liable to pay the Tolls as aforesaid, (except the Bridle or Reins of any such Horse or other Beast separate from such Horse or other Beast); and if such Tolls, and the reasonable Charges of such Seizure and Distress, and of detaining and keeping the same, shall not be paid within the Space of Four Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse, Beast, or other Cattle, and other Property, or any Part thereof, so seized and distrained, rendering the Overplus (if any) on Demand to the Owner thereof, after such Tolls and all reasonable Charges shall have been deducted.

Trustees to
provide Tick-
ets denoting
Payment of
Tolls, &c.

XXVII. And be it further enacted, That upon Payment of the said Tolls, the Collector or Receiver thereof shall and he is hereby required to deliver *gratis* to the Person paying such Toll, a Note or Ticket denoting such Payment, and which Note or Ticket shall be provided by the said Trustees; and there shall be printed and specified thereon the Names of the several and respective Gates freed by such Payment.

Trustees may
reduce the
Tolls;

XXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby empowered, at a Meeting to be holden for that Purpose, of which Meeting One Calendar Month's Notice shall be given in such Newspaper or Newspapers as aforesaid, and also affixed on all and every the Turnpike Gates then standing on the said Road, from Time to Time to lessen or reduce all or any of the said Tolls, and also any additional Tolls payable by any Act or Acts of Parliament now or hereafter to be in force for Overweight or otherwise, in such Manner as to them shall seem

seem fit and convenient, and to cause such reduced Tolls to be continued and taken for and during such Time as they the said Trustees shall think proper; and afterwards, at any Meeting to be holden and appointed as aforesaid, from Time to Time, if they the said Trustees or any Seven or more of them shall see Occasion, to advance all or any of the said Tolls so lessened or reduced to any Sum or Sums of Money not exceeding the several Rates granted by this Act, or made payable by any Act or Acts of Parliament now or hereafter to be in force with respect to Overweights or otherwise: Provided nevertheless, that until the whole Money borrowed on the Credit of the said Tolls shall have been paid and discharged, such Tolls shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five-sixth Parts of the Money remaining due upon the Credit of the said Tolls.

and afterwards advance them again to any Sum not exceeding the Rates before granted; provided no Reduction be made without the Consent of Creditors.

XXIX. And be it further enacted, That if any Person shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Cattle, Beast, or Carriage through any of the said Toll Gates erected or set up by virtue of this Act, such Person shall, upon producing a Note or Ticket denoting the Payment thereof on that Day at the same Toll Gate, be permitted to pass Toll-free with the same Horse, Cattle, Beast, and Carriage, through the same Toll Gate, at any Time or Times during the same Day, to be computed as aforesaid.

Tolls to be paid but once a Day.

XXX. Provided always, and be it further enacted, That all Horses drawing any Coach or other such Carriage that shall be kept or used as a Public Stage Coach or Stage Carriage, for which the Tolls hereby granted shall have been paid, shall return on the same Day, through the same Turnpike or Toll Gate, shall be again chargeable with Toll for repassing through such Toll Gate, in like Manner as if no Toll had been before paid.

Stage Coaches to pay each Time of passing.

XXXI. And be it further enacted, That all and every Toll Collector, being Lessee of the said Tolls, or appointed either by the said Trustees or by any such Lessee or Lessees to collect the Tolls by this Act granted, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Toll from any Person than he shall be authorized to do by virtue of this Act, or of the Orders and Resolutions of the Trustees made in pursuance thereof, or shall demand and take a Toll from any Person or Persons who shall be exempt from the Payment thereof and claim such Exemption, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Tolls, or any of them, or shall in answer to such Demand give a false Name or Names, or shall refuse or neglect to give a Ticket denoting the Payment of the said Toll, and naming and specifying the several Gates freed by such Payment;

For preventing Toll Collectors from taking undue Tolls.

[Local.]

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ment;

ment, or upon the legal Toll being paid or tendered shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Turnpike or Toll Gate, or shall make use of any scurrilous or abusive Language to any Trustee, Treasurer, Clerk, Surveyor, or other Officer, or any Passenger or Passengers, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be recovered and applied as other Penalties are by this Act directed to be recovered and applied.

Trustees may compound.

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

For settling Disputes concerning Tolls.

XXXIII. And be it further enacted, That if any Dispute shall happen about the Amount of the Tolls, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Tolls due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Tolls due, and shall award such Costs and Charges to either Party as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Toll Bar Keepers not to be deemed incompetent Witnesses.

XXXIV. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in any wise 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 or interested under such Appointment, or being paid to collect the Tolls, or acting or being paid to act under the Authority of the said Trustees.

Penalty for evading Tolls.

XXXV. And be it further enacted, That if any Person or Persons shall with any Horse, Cattle, Beast, or Carriage pass through any Lands, Grounds, or Hereditaments (not being the Owner or Owners, or Occupier or Occupiers thereof, or any of his, her, or their Family or Servants lying near any

any Turnpike or Toll Gate which shall be erected by virtue of this Act (the same not being a Public Highway); or if any Owner or Occupier of such Lands, Grounds, or Hereditaments shall knowingly permit or suffer any Person or Persons (not being his, her, or their Servant or Servants, or of his, her, or their Family), with any Horse, Cattle, Beast, or Carriage whatsoever, to pass through the same with Intent to evade the said Tolls or any of them; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit, any Note or Ticket, Notes or Tickets, by this Act directed to be given, with Intention to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall fraudulently pass through any such Turnpike or Toll Gate with any Horse, Beast, or other Cattle, without Payment of Toll, or shall take off or cause to be taken off any Horse, Beast, or other Cattle from any Carriage, or having passed through any such Turnpike or Toll Gate shall afterwards add or put an additional Horse or Horses, Beast or Beasts, to such Carriage, with Intent to evade the Payment of the said Tolls; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXXVI. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse, or other Cattle going unladen for or being only laden with or returning after having gone laden only with any Materials for making and repairing the said Road, or for repairing the Highways in any Parish or Place through which any Part of the said Road leads; or for any Carriage or Cattle carrying any Grass, Hay, Saintfoin, Fodder, Turf, or Peat, Straw, or Corn in the Straw (not sold or disposed of), and passing to be laid up in the Houses, Out-houses, Barns, Yards, or Closets of the Owner or Owners thereof, or returning empty therefrom, being the Growth and Produce of Land held and occupied by the respective Inhabitants or Occupiers within such respective Parish, Hamlet, or Place, and carried for their own private Use and Consumption only; or for any Horses, Cattle, or Carriages going for or returning with any Ploughs, Harrows, or other Implements of Husbandry belonging to any of the Inhabitants of the Parishes, Townships, Hamlets, or Places wherein any Part of the said Road lies, or for any Cattle going to or returning from plough or harrow; or for any Carriage or Cattle carrying any Dung, Mould, Sand, Cinders, Lime, or Compost of any Kind whatsoever, to be employed in Husbandry, or for manuring or stocking of Land, but for no other Purpose; or returning empty from carrying or conveying the same; or for any Horses or other Cattle or Carriages employed in the conveying of any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of *Lancaster* and *Westmorland* respectively, 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 returning (on Sundays or on any other Days on which Divine Worship is ordered by Authority to be celebrated) from his, her, or their proper parochial Church or Chapel, or other Place of religious Worship tolerated by Law, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes, Townships, Hamlets, or Places in which the said Road, or any Part thereof, hereby directed to be made lies; or from any Clergyman going to perform or returning from performing his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Carriages or Horses employed in conveying the

Exemptions
from Toll.

Mails

Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying or guarding the same; or for any Horse or Cow, Sheep or other Cattle, going to or returning from any Pasture or other Work in Husbandry upon or in any of the Lands within any of the said several Parishes, Hamlets, or Places, or to or from any Watering Place, or from being shoed or farried; or for any Horses, Cattle, or Carriages which shall only cross such Road, or shall not pass above One hundred and fifty Yards thereon; or for any Horses belonging to Officers or Soldiers upon their March, or upon Duty; or for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Waggon, Wain, Cart, or other Carriage whatsoever, or the Horse or Horses or other Cattle drawing the same, which shall be employed in carrying or conveying any Ordnance, Barrack, or Commissariat, or other public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, or returning from having been so employed; or for any Horse furnished by or for any Person belonging to any Corps of Yeomanry or Volunteer Cavalry or Infantry, and rode by him in going to or returning from any Place appointed for and on the Days of Exercise, Inspection, or Review, provided that such Person shall be dressed in the Uniform of his Corps, and shall have his Arms, Furniture, and Accoutrements according to the Regulation of such Corps at the Time of claiming the Exemption; or for any Horses, Carts, or Waggons travelling with Vagrants sent by legal Passes, or returning after being so employed; and if any Person or Persons shall in any fraudulent and collusive Manner whatsoever claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, One Moiety thereof to be paid to the Informer, and the other Moiety thereof to be applied to the Purposes of this Act.

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

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

No Gate on Roads now made in Warton.

XXXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to erect or set up any Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, or take any Toll upon, across, or on the Side or Sides of any Road or Roads now being or lying within any Part of the said Parish of *Warton*.

XXXIX. Pro-

XXXIX. Provided nevertheless, and be it further enacted, That no more than One Penny shall be demanded or paid at any of the Toll Gates to be erected by the Authority of this Act, for the Passage of any one Horse or other Beast, drawing any Cart or other Carriage laden wholly with Turf or Peat for Sale.

No more than
1d. for One
Horse draw-
ing any Car-
riage laden
with Turf or
Peat only.

XL. And be it further enacted, That it shall be lawful for the said Trustees, at any Meeting whereof Twenty-eight Days Notice shall have been given in Writing affixed upon all the Toll Gates or Turnpikes then erected by virtue of this Act, and inserted in some Newspaper circulated in the Neighbourhood of the said Road, from Time to Time, by Writing under their Hands and Seals, to let or demise the Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years, upon public Bidding, to the highest Bidder, and for the best Price that can be gotten for the same, payable at such Time and to such Persons, and under such Conditions and Agreements, and with such Sureties for the Payment thereof, as the said Trustees shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Trustees may
let Tolls.

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

Lessees of
Tolls may
appoint Per-
sons to re-
ceive the
same.

XLII. And be it further enacted, That it shall be lawful for the said Trustees to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, on the Side or Sides of the said Road, and across any public Lane or Way leading out of the same, and there to receive and take any such Tolls as are by this Act granted and made payable, so that the same do not extend to an additional Charge, in case of passing through any other of the said Toll Gates or Turnpikes upon the said Road.

Side Gates.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held under or by virtue of this Act, to erect and set up, or cause to be erected and set up, at all or any of the said Turnpike Gates now erected or hereafter to be erected upon the said Roads, such Number of Lamps as they shall think necessary, together with proper Lamp Posts and Lamp Irons thereto, and to cause the said Lamps to be lighted at such Times and in such Manner as the said Trustees shall from Time to Time direct and appoint; and all Expenses attending the providing of such Lamps, Lamp Posts, Lamp Irons,

Power to
provide
Lamps, &c.

[*Local.*]

18 L

and

Penalty on
breaking, &c.

and the Furniture thereof, shall be defrayed out of the said Tolls, or out of any Money to be borrowed on the Credit thereof; and if any Person or Persons shall break, throw down, or damage all or any of the said Lamps, or the Posts, Irons, or other Furniture thereof, or shall wilfully and maliciously extinguish any of such Lamps, or do any Damage thereto, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, over and above the Costs and Expences of repairing and amending such Lamps, Lamp Posts, Irons, Furniture, or Work, so broken, thrown down, or damaged as aforesaid, which Costs and Expences shall and may be recovered in such Manner as the Penalties hereby imposed are herein-after directed to be recovered, and shall be paid to the Treasurer to the said Trustees for the Use of the said Road.

Toll Gates,
&c. vested in
the Trustees.

XLIV. And be it further enacted, That the Right and Property in all the Toll Gates, Toll Houses, Weighing Machines, and the several Conveniences and Appurtenances thereto belonging, which shall be erected or made upon or on the Sides of the said Road by virtue of this Act, and the Materials for building and repairing the same, and for repairing the said Road, and all other Materials, Articles, and Things which shall be purchased, collected, or provided for the Purposes of this Act, shall be vested in the said Trustees, and they are hereby authorized and empowered to sell or dispose of the same as they shall think proper, and to bring or cause to be brought any Action or Actions, and to prefer and prosecute or cause to be preferred and prosecuted any Bill or Bills of Indictment, against any Person or Persons who shall steal, take away, break down, or damage any such Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things, or disturb them or their Agents or Servants in the Possession thereof, in which Bill or Bills of Indictment it shall be sufficient to state generally such Toll Gates, Toll Houses, Conveniences, Appurtenances, Materials, Articles, or Things to be the Property of the Clerk for the Time being to the said Trustees.

Power to
borrow
Money.

XLV. And be it further enacted, That it shall be lawful for the said Trustees or any Seven 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 Part or Parts thereof; and by any Writing under their Hands and Seals to assign over the said Tolls, or any Part or Parts thereof, and the Turnpike Gates and Toll Houses 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 Payment of the several Sums that shall be borrowed, with the Interest thereof; which Assignments or Mortgages shall be in the Words or to the Effect following; (that is to say),

Form of
Assignment.

‘ BY virtue of an Act passed in the Fifty-eighth Year of the Reign of
‘ King George the Third, intituled *An Act* [here set forth the Title
‘ of this 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 in Hand paid by _____
‘ do hereby grant, bargain, sell, and demise unto the said _____
‘ his Executors, Administrators, and Assigns, such Proportion of the Tolls
‘ arising

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

And Copies of all such Mortgages and Assignments shall be entered in a
 Book to be provided and kept for that Purpose by the Clerk to the said
 Trustees; but no Money shall be borrowed unless Notice be for that Pur-
 pose given in some Newspaper published or circulated within the said Coun-
 ties of *Lancaster* and *Westmorland*, and also affixed upon the Turnpikes
 or Toll Gates which shall be then standing upon the said Road, at least
 Twenty-one 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 in Law 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 whomso-
 ever, by Endorsement on such Security, to be executed in the Presence
 of One or more credible Witnesses or Witnessess; which Transfer shall be in
 the Words or to the Effect following; (that is to say),

I do transfer the within Mortgage, and all the Principal Form of
 and Interest now due thereon, unto Executors, Transfer.
 Administrators, and Assigns. Witness my Hand and Seal, this
 Day of

All which Transfers shall be produced and notified to the Clerk to the
 said Trustees, 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 Five Shillings and no more; and after such Entry made,
 every such Transfer shall entitle the respective Assignees or Persons to
 whom the same shall be made, their Executors, Administrators, and As-
 signs, to the Benefit thereof or 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 who shall have
 made 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 Trans-
 fers 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 no Person shall have any
 Preference in respect to the Priority of advancing any such Monies, or the
 Dates of such Mortgages or Assignments.

XLVI. And be it further enacted, That all the Monies which shall arise Application
 and be produced by or from the several Sums already subscribed or agreed of the Tolls
 to be advanced towards the making and repairing the said Road as afore- and Money
 said, borrowed.

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

Power to enter Lands and make Roads.

XLVII. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Grounds through or adjoining to which or whereupon the said Road hereby authorized to be made is intended to pass, except the Lands now belonging to *John Bolden* Esquire, and to stake out and make the same of such Width (not exceeding Sixty Feet over any Commons or Waste Grounds, and not exceeding Forty Feet over any other Lands or Grounds) and in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction to the Occupiers of such Lands and Grounds for the Damage that shall be done to the Lands or Grounds on the Sides of the said Road, whilst the same shall be making; and if any Person shall wilfully pull up, remove, or destroy any of the Stakes or other Marks used in laying out or making any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Trustees may make and divert the Road.

XLVIII. 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, and from Time to Time to widen, divert, shorten, vary, and alter; within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Road through any waste Grounds, Commons, or uncultivated Lands, without making Satisfaction for the same; and also through any private Grounds or Hereditaments, first making Satisfaction to the Owners thereof, and Persons interested therein, for the Damages they shall sustain thereby; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of and Persons interested in any Lands or Hereditaments which the said Trustees shall judge necessary for the Purposes aforesaid, for the Purchase thereof, or for the Loss or Damage such Owners or Persons may sustain by the making, widening, diverting, turning, or altering the Course or Path of any Part or Parts of the said Road through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, general or special, or for Years determinable on any Life or Lives, Husbands,

Husbands, Guardians, Trustees, or Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Femes Covert, Infants, or Issue unborn, Lunatics, Idiots, or other Person or Persons whomsoever; and to and for all other Femes Covert who are or shall be seised of or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed, or interested in any such Lands or Hereditaments, to contract and agree with the said Trustees for Satisfaction to be made for such Damages as aforesaid, or to sell and convey unto them all or any such Lands or Hereditaments, or any Part thereof, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances which shall be so made shall be valid, to all Intents and Purposes, any Law, Statute, Usage, or other Matter to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, general or special, or Lessees for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, Administrators, and all other Persons, shall be and are hereby indemnified for what they or any of them shall lawfully do by virtue or in pursuance of this Act.

XLIX. And be it further enacted, That the Trustees of the said Road hereby authorized to be made, shall and they are hereby empowered and required to raise the said intended Road through and over *Warton Meadows*, so as effectually to prevent the said Road from being overflowed or rendered impassable at any Time by reason of Tides or Land Floods; and also shall make, and during the Continuance of this Act maintain, a sufficient Fence or Guard on both Sides of the said Road through *Warton Meadows*, where necessary for the Protection of Travellers, to be certified by Two Justices of the Peace for the County of *Lancaster*.

Road through
Warton Mea-
dows to be
raised.

L. Provided always, and be it further enacted, That the said Road by this Act authorized to be made, and lying within the said Township of *Warton*, shall be well and sufficiently formed, and then covered with Stone broken into Pieces, or with good Gravel; which covering of broken Stone or Gravel shall be of the Width of Twenty-one Feet, and Seventeen Inches thick at the least on the Centre of the Road, and Eleven Inches thick at the Sides of the said Road, with gradual Slopes thereto from the Centre; and the Inhabitants of the said Township of *Warton* shall not be liable to the Repair of any Part of the said Road, until after Two of His Majesty's Justices of the Peace for the County of *Lancaster* shall have certified that the same has been made in the Manner herein-before directed.

Mode of
making
Road in
Warton.

LI. 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 Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the said Counties of *Lancaster* and *Westmorland* 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 respective Counties, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerks

For restraining
the Trustees
from deviating
beyond cer-
tain Distances
of the Line
prescribed in
the Plans, &c.

[Local.]

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of

of the Peace for the Time being of the said respective Counties the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees, in making the said Road, shall not deviate more than One hundred Yards, of Three Feet each, from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Trustees may make Road through Grounds although the Owners' Names are not in the Books of Reference.

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

Deviation allowed with Consent of the Owners.

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

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

LIV. 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, or other Fences, 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 said Fences so to be made in good Order and Repair for the Term of Five Years from the Time of making thereof; or otherwise, in the Compensation to be made to the Owners and Occupiers of such Land, the making and keeping in Repair such Fences, Gates, and Arches, Dykes or Ditches, as the Case may require, shall be taken into Consideration, and an Allowance made for the same.

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

LV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Trustees, or any of them, or their Surveyor or Surveyors, or any other Person, to begin to make the said intended Road in and upon, through or over, any private Lands, Grounds, or Hereditaments, until the Owner or Proprietor, and every Person interested therein, shall be paid and satisfied the Purchase Money to be agreed upon or adjudged or assessed in Manner herein mentioned for such private Lands, Grounds, or Hereditaments to be taken for the Purpose of this Act, or until such Purchase

chafe Money shall be deposited in the Bank of *England*, in the Name of the Accountant General of the Court of Chancery, in the Manner and subject to the Conditions, Orders, and Restrictions by this Act directed, as the Case may be.

LVI. And be it further enacted, That if any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, Feoffees, Committees, Executors, or any other Person or Persons interested in any such Lands or Hereditaments, upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Dwelling Houses, Place or Places of Abode of such Person or Persons, or of the principal Officer or Officers of any such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or at the House of the Tenant in Possession of Lands or Hereditaments through which any Part of the said Road is intended to be made, widened, diverted, turned or altered, shall, for the Space of Twenty-one Days next after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in every such Case the said Trustees shall cause such Damage, Value, or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County in which the Lands shall be situated, from the Neighbourhood of the Place where such Lands and Hereditaments do lie; and in order thereto the said Trustees are hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before such Jury, and examine upon Oath, all and every Person and Persons whomsoever who shall be thought necessary and proper to be examined concerning the Premises, (which Oath any one or more of the said Trustees is and are hereby empowered to administer); and such Trustees shall, by ordering a View or otherwise, use all lawful Ways and Means as well for their own as for the Jury's Information in the Premises; and after the said Jury shall have inquired of and assessed such Damages and Recompence, they the said Trustees shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the said Owners or other Persons interested in the said Lands or Hereditaments, according to the Verdict or Inquisition of such Jury; and such Verdict and Inquisition, Order and Determination thereon, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim any Estate in Possession, Reversion, or Remainder, in Fee or in Fee Tail General or Special, or for Life or Lives, or for Years determinable on any Life or Lives, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, Lunatics, Idiots, and Persons under any other Disability whatsoever, Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, as well as all and every other Person or Persons whomsoever; and for summoning and returning such Juries, the said Trustees are hereby empowered to issue their Warrant to the Sheriff of the County in which the Lands shall be situated, requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons from the Neighbourhood of the Place where such Lands and Hereditaments lie, qualified to serve upon Juries, to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; and

Where Persons interested neglect or refuse to treat.

Trustees to issue a Warrant to the Sheriff to impanel a Jury.

Trustees may
impose Fines
on Sheriff,
Jurymen, or
Witnesses
making
Default.

and such Sheriff or his Deputy or Deputies is and are hereby required to impanel, summon, and return such Number of Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear on such Summons, the said Trustees shall and they are hereby empowered and required to swear or cause to be sworn Twelve Men, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against the said Jurymen when they come to be sworn; and the said Trustees acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines upon such Sheriffs, their Deputies, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons that shall be summoned and returned on such Jury who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give or shall not give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who, being required to give Evidence before the said Jury, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, or appearing shall refuse to be sworn and examined, or to give Evidence, or shall otherwise wilfully misconduct themselves in giving their Evidence; so that no one Fine be more than Five Pounds on any one Person for any one Offence.

Expences of
the Jury and
Witnesses
how to be
paid.

LVII. And be it further enacted, That in case any Jury or Juries to be summoned and sworn pursuant to the Directions or Authority of this Act, 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 such Lands or Hereditaments, or for any Loss or Damage to be by him or them sustained, than what shall have been agreed to and offered by the said Trustees before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or for any 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 Treasurer to the said Trustees out of any Money which shall then be in his Hands, or out of any Money to be received by virtue of this Act; but if any Jury or Juries so summoned and sworn as aforesaid shall give in and deliver a Verdict or Assessment for no more or less Money than shall have been agreed to and offered by the said Trustees before the summoning or returning of the said Jury or Juries, as a Recompence and Satisfaction for any such Right, Interest, or Property in such Lands or Hereditaments, or Loss or Damage as aforesaid, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences as aforesaid, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences, having been ascertained and settled by some One Justice of the Peace for the said Counties of *Lancaster* or *Westmorland* not interested in the Matter in Question (who is hereby required to examine and settle the same), shall and may be deducted out of the Money
so

so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk or Clerks to the said Trustees, by the Ways and Means herein-after mentioned or provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person or Persons shall by reason of Absence have been prevented from treating about such Recompence or Satisfaction as aforesaid, such Costs and Expences shall be borne and paid by the said Trustees in Manner aforesaid.

LVIII. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed as aforesaid, shall be paid out of the Tolls by this Act granted, or out of the Monies to be borrowed on the Credit thereof, to the Party or Parties respectively entitled thereto, or to their Agents; and full Satisfaction and Compensation shall be paid to the Lord or Lords of any Manors for the Time being, for his or their respective Right and Interest therein, in consequence of the Enfranchisement or Extinguishment of such Estate; and upon Payment thereof, or depositing the same in the Bank of *England* as herein-after directed (as the Case may be), and after Eight Days Notice thereof given to such Parties or Persons or to their Agents, or left at their or any of their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands or Hereditaments, then such Lands or Hereditaments shall be laid into and made Part of the said Road, in such Manner as the said Trustees shall direct, and shall be by them, or such Person or Persons as they shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose, and shall to all Intents and Purposes whatsoever become and be deemed and taken to be a common Highway, and be from thenceforth Part of the said Road for ever thereafter.

Money allowed for Lands how to be charged or tendered.

LIX. Provided always, and be it enacted, That the Power or Authority by this Act given to the said Trustees shall not extend to the taking down or injuring any Dwelling House or other Building, or to the taking in of any Garden, Orchard, Park, Paddock, planted Walk or Avenue to a House, or Plantation or Nursery of Trees, or of any Part or Parts thereof, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained; except a certain Barn and Out-building at *Havertbwaite*, belonging to *James Penny Machell*, and in the Occupation of *Jonas Walker*; certain Buildings and Store-houses at the *Backbarrow* Iron Works, belonging to *John Machell* and others, and in their own Occupation; which said above-mentioned Premises are all in the Parish of *Coulton* aforesaid; a certain Pig Stye, Fold, and Orchard in *Lindale*, belonging to *Robert Allan*, and in his own Occupation; a certain Fold and Garden belonging to the Heirs of the late *Edward Dowran*, and in the Occupation of *Alan Wearing*; a certain Dwelling-house belonging to *James Fletcher*, in the Occupation of *James Coupland*; a certain Barn belonging to *John Barber*, and in his own Occupation; and a Part of a certain Orchard belonging to the Devisees of the

Trustees not to take down Houses, &c.

[Local.]

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late *John Wilkinson*, in their own Occupation ; all which said last-mentioned Premises are in the Parish of *Cartmel*.

Trustees not
to enter
Lands of
Dr. Campbell.

LX. Provided always, and be it enacted, That the said Trustees by this Act appointed shall not have any Power or Authority to enter into any Part of a Close of Land called *Lower Dale* belonging to Doctor *David Campbell*, within the said Township of *Warton*, without his Consent in Writing first had and obtained.

If Trustees of
Heiring Syke
Roads divert
their Road, a
certain Part of
new Road
shall not be
made.

LXI. And whereas the Trustees acting under and by virtue of an Act passed in the Twenty-fourth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for repairing and widening the Road from Preston to Lancaster, and from thence to a Place called Heiring Syke, that divides the Counties of Lancaster and Westmorland*; and of another Act passed in the Twenty-second Year of the Reign of His present Majesty, intituled *An Act to continue the Term of an Act made in the Twenty-fourth Year of the Reign of His late Majesty King George the Second, for repairing and widening the Road from Preston to Lancaster, and from thence to a Place called Heiring Syke, that divides the Counties of Lancaster and Westmorland*; and of another Act passed in the Forty-third Year of the Reign of His present Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of Two Acts, made in the Twenty-fourth Year of His late Majesty and the Twenty-second Year of His present Majesty, for repairing the Road from Preston to Lancaster, and from thence to a Place called Heiring Syke; and for maintaining and keeping in repair the Road from the Guide Post in the Township of Slyne with Hest, to a Place called Hest Bank, in the said Township*, are authorized to divert and vary the Line of the said Road from at or near *Carnforth* aforesaid, to and to communicate with the Branch of Road by this Act intended to be made from *Millthorpe* to *Carnforth* aforesaid, at and in a Close of Land in *Warton* aforesaid, belonging to the Trustees or Devisees of the late *Jackson Mason* Esquire, called *Lime Kiln Field*, and from thence to unite with the present Line of the said Road from *Lancaster* to *Heiring Syke*, near to a Place called *Tewitfield*; which said Diversion and Variation of the said *Lancaster* and *Heiring Syke* Road, will render the said Branch of Road from the South End of a Close of Land in *Warton* aforesaid, belonging to *Elizabeth Whormby*, to the said Turnpike Road from *Lancaster* to *Kendal*, at or near *Carnforth* aforesaid, herein-before authorized to be made, wholly unnecessary: And whereas it hath been proposed and agreed to pay the Sum of One thousand Pounds from and out of the Monies subscribed and to be raised for the Purposes of this Act, to or for the Use of the Trustees of the *Lancaster* and *Heiring Syke* Road, towards enabling them to make such Alteration of the same Road; be it therefore enacted, That in case the Trustees of the said *Lancaster* and *Heiring Syke* Road shall, within Six Calendar Months from the passing of this Act, give Notice to the Clerk to the Trustees for putting this Act into Execution, of their Intention to divert and vary the Line of the said *Lancaster* and *Heiring Syke* Road, from at or near *Carnforth* aforesaid, in the Direction and Manner herein-before mentioned, through the Townships of *Carnforth*, *Warton*, and *Hutton*, or any of them, to unite with the same last-mentioned Road near *Tewitfield* aforesaid, and shall undertake to complete such Diversion, and shall deposit in the Name of *Christopher Wilson* Esquire, on Behalf of the Trustees of the
said

faid Road by this Act authorized to be made, and in the Name of the Mayor for the Time being of the Borough of *Lancaster*, on Behalf of the Trustees of the faid *Lancaster* and *Heiring Syke* Road, the Sum of One thousand six hundred Pounds, in the Hands of some Person to be chosen by both Parties, then so much of the faid Road by this Act authorized to be made, as lies between the faid Close of Land in *Warton* aforefaid, belonging to *Elizabeth Whormby*, and the faid Turnpike Road leading from *Lancaster* to *Kendal* aforefaid, at, or near *Carnforth* aforefaid, shall not be formed or executed; and that all and every the Powers and Authorities by this Act given for that Purpose, or relating to the same in anywise, shall cease and determine, notwithstanding any Thing herein-before contained to the contrary.

LXII. And be it further enacted, That in case the Trustees of the faid Road from *Lancaster* to *Heiring Syke* shall, within the Time herein-before limited, give such Notice as aforefaid of their Intention to divert and vary the faid Line of Road, and shall actually commence the Diversion and Variation of the same, and shall undertake to complete such Diversion in the Direction herein-before mentioned, and shall deposit the faid Sum of One thousand six hundred Pounds in Manner aforefaid, then the Treasurer of the Road by this Act intended to be made, on Demand made by the Treasurer for the Time being of the faid *Lancaster* and *Heiring Syke* Road to the Treasurer for the Time being of the Road hereby authorized to be made, shall pay the full and clear Sum of One thousand Pounds to the Treasurer for the Time being of the faid *Lancaster* and *Heiring Syke* Road, to be by the Trustees of that Road applied (together with the faid Sum of One thousand six hundred Pounds) in and towards such Diversion and Alteration of the same Road; and that the faid Sum of One thousand Pounds shall be recoverable by an Action on the Case, to be commenced in any of His Majesty's Courts of Record at *Westminster*, by and in the Name of the Treasurer for the Time being of the faid *Lancaster* and *Heiring Syke* Road, against the Treasurer for the Time being of the faid Road by this Act authorized to be made; and no Suit in Equity or other Proceeding shall be had or taken to delay or prevent the faid Action, or the immediate Recovery of the faid Sum of One thousand Pounds.

1,000l. to be paid to Trustees of Heiring Syke Roads towards making new Branch of Road.

LXIII. Provided always, and be it further enacted, That in case such Notice and Undertaking shall not be given by the Trustees of the faid *Lancaster* and *Heiring Syke* Road, to divert and vary the faid Road as aforefaid, or in case such Diversion and Variation shall not be completed within Two Years from the passing of this Act, then the Trustees by this Act appointed shall and may and they are hereby authorized to proceed with the Line of Road by this Act directed to be made, notwithstanding any Thing herein-before contained to the contrary.

If Trustees of Heiring Syke Road do not make their Road, then Trustees under this Act may.

LXIV. Provided always, and be it further enacted, That in case the faid Road from *Lancaster* to *Heiring Syke* shall be altered and varied in Manner herein described, the Trustees of the Road by this Act authorized to be made shall not place any Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, upon, across, or on the Side or Sides of the faid last-mentioned Road, within the Distance of Fifty Yards on the northerly Side of the Point of Junction of such Roads.

No Gate within Fifty Yards of Junction of Road.

LXV. And

Application
of Compen-
sation Money
when amount-
ing to or ex-
ceeding 200l.

LXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent 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, and Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and 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 said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the 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 had been made.

When less
than 200l.
and exceed-
ing 20l.

LXVI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 or Tenements so purchased, taken, or used, or of his 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

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

LXVII. 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 all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used as aforesaid, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

LXVIII. And be it further enacted, That in case the Person or Persons to whom any 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 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 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 said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, and Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

When less than 20l.

In case of not making out Titles;

or if Persons cannot be found, the Purchase Money to be paid into the Bank,

subject to the Order of the Court of Chancery, on Motion or Petition.

Persons in Possession to be deemed presumptively entitled, &c.

LXIX. Provided always, and be it further enacted, That where any Questions shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance 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 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 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.

The Court of Chancery may direct the Payment of Expences.

LXX. 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, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Trustees empowered to sell Ground not wanted for the Purposes of this Act.

Persons of whom it was bought, whose Lands adjoin, to have the first Offer.

LXXI. And whereas by reason of the Purchases which the said Trustees are empowered and required to make by virtue of this Act, or by reason of the diverting of some Part or Parts of the said Road in Manner hereinbefore mentioned, they may happen to be seized of some Piece or Pieces of Ground or Hereditaments over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground and Hereditaments, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Trustees, before they shall sell and dispose of any such Piece or Pieces of Ground as aforesaid, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased, or in case of diverting any Part or Parts of the said Road, to the Person or Persons whose Lands shall adjoin to the old Road; and if such Person or Persons respectively shall not then and thereupon agree (except with respect to and on account of the Price thereof, as herein-after mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase

purchase the same respectively, an Affidavit to be made and sworn before a Master or Masters Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which the Lands shall be situated, who are hereby respectively empowered to take the same, by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to the disputed Value of the 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 herein-before 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 Parcel 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 Misapplication or Non-application of such Money.

LXXII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose appoint, are hereby authorized and empowered to contract with any Person or Persons for making, altering, raising, widening, improving, or repairing the said Road or any Part or Parts thereof, or any Arches or Bridges upon the same, and for doing any other Work by this Act authorized to be done, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper.

Trustees may contract for Work, &c.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the Surveyor and Surveyors of the said Road, and to and for all such Person or Persons as he or they shall respectively appoint, to search for, cut, dig, get, gather, and take away any Furze, Heath, Stones, Gravel, Sand, or other Materials for making and repairing the said Road out of and from any Commons or Waste Ground, Common River, Brook, or Pit, in any Parish, Township, Hamlet, Division, District, or Place in which any Part of the Road hereby directed to be made, amended, and repaired shall lie, or in any adjoining Parish, Township, Hamlet, Division, District or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks where such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or Surveyors, or other Person or Persons as aforesaid, may, by Order of any Two or more Justices of the Peace for the County in which the Lands shall be situated, search for, cut, dig, gather, and take away any such Materials as aforesaid in, off, from, and out of the private Lands, Fields, or Grounds of any Person or Persons where the same

For getting Materials to make and repair the Road.

same may be had or found, except the Lands or Grounds of Doctor *David Campbell*, lying within the said Township of *Warton*, (such Lands, Fields, or Grounds not being a Garden or Orchard, Yard, Paddock, Walk or Walks, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the same, and for any Damages done thereby, to the Owners and Occupiers of the Grounds and Premises where and from whence the same shall be cut, dug, gotten, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Road shall be carried, according to their respective Rights and Interests in such Ground and Premises, as the said Trustees shall deem reasonable; and in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Persons employed as aforesaid, and the said Owners or Occupiers or any of them, concerning the Value of such Materials and Damages, it shall and may be lawful to and for any Two Justices of the Peace for the County in which the Lands shall be situated, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages.

Notice to be given to the Owners and Occupiers of Lands before Materials are taken for making and repairing the Road.

LXXIV. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor or Surveyors, or other Person or Persons under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing such Road out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor or Surveyors, shall have been given to the Owner and Occupier of the Premises, or the known Agent of any such Owner, from which such Materials are intended to be taken, or left for such Owner and Occupier at their respective usual Places of Residence, to appear before Two or more Justices of the Peace acting for the County in which the Lands shall be situated, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner and Occupier, or One of them, or their or his Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case such Justices shall or may authorize such Surveyor or Surveyors, or other Person or Persons, to dig, get, gather, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear, by himself or his Agent, without sufficient Excuse, such Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier or his Agent had attended.

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

LXXV. And be it further enacted, That if any Person or Persons whomsoever shall take away any Stone or other Materials which shall have been dug, gathered, or taken for the Purpose of making or repairing the said Road, or other the Purposes by this Act authorized or directed, or any Part or Parts thereof, or shall get or take away any Stone, Gravel, or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Stone, Gravel, or other Materials, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein for the Space of Three Weeks (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been

been so made, and Persons authorized by such Owner or Occupier to get Materials therein for his own private Use only, and not for Sale, such Owner or Occupier or other Person not taking any of the Stone, Gravel, or other Materials which may have been dug or gathered for the Purposes aforesaid, and which may remain in such Pit or Quarry), without the Consent of the Surveyor or Surveyors of the said Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

LXXVI. And be it further enacted, That for more effectually draining the Land required for the said Road, and for preventing the same from being overflowed with Water, and for the more convenient Erection of any Bridge or Bridges, it shall and may be lawful to and for the said Trustees to open, deepen, clear, widen, enlarge, divert, straighten, embank, alter, and bring into a more direct and free Course, any Rivers or Streams of Water, and also set out and make any new Channel or Channels, and also direct any Tunnels, Watergates, Floodgates, Banks, Bridges, or other Works for the Purposes aforesaid, of such Depth, Breadth, and Extent, in such Situations and Directions, as the said Trustees may think proper.

Power to
drain, &c.

LXXVII. And be it enacted, That if any Person shall from and after the passing of this Act, encroach, by making or causing to be made any Dwelling House or other Building, Hedge, Ditch, or other Fence, within the Distance of Twenty Feet from the Middle or Centre of the said Road (except Turnpike Houses erected or to be erected by Order of the said Trustees, or unless the said Trustees shall consent or agree thereto, or that the same shall remain), every Person so offending shall forfeit for every such Offence any Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees, by Order under their Hands made at a public Meeting or some Adjournment thereof, directed to their Surveyor, to cause such Dwelling Houses, Buildings, Hedges, Ditches, or other Fences to be pulled down or filled up, at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for any One or more Justice or Justices of the Peace in and for the County in which the Premises shall be situated, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of taking down such Dwelling Houses, Buildings, Hedges, and Fences, and filling up the Ditches as aforesaid, as the Penalty hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus to the Owner on Demand.

Penalty for
erecting En-
croachments
on the Side
of the Road.

LXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Direction and under the Hands of any Five or more of the said Trustees, from Time to Time to remove and prevent all Nuisances or Annoyances on any Part or Parts of the said Road, by Rails, Steps, Sign Posts, Walls, or otherwise, and to turn and stop any Watercourses, Sinks, or Drains running into, along, and out of any Part of the said Road, to the Prejudice or Injury thereof; and to make as large and deep as he or they shall think proper, and to cleanse, any Ditch or Watercourse next adjoining to or leading into or out of any Part or Parts of the said Road; and at proper Seasons of the Year to cut down, lop,

Surveyors
may remove
Annoyances.

[Local.]

18 P

or

or top any Trees or Bushes growing in any Part of the said Road, or in the Hedges or Banks adjoining thereto (not being Trees or Bushes planted as a Shelter or Ornament to a House or other Building, or not standing in any Garden, Orchard, Yard, Paddock, planted Walk, or Avenue to a House), in case the Person or Persons occasioning such Annoyances, or who ought to remove the same, or to cleanse such Ditch or Watercourse, or to cut down, lop, or top such Trees or Bushes, shall refuse or neglect so to do for the Space of Five Days next after Notice in Writing given for that Purpose, signed by any Five or more of the said Trustees, or by their Surveyor or Surveyors for the Time being; the reasonable Charges whereof shall be reimbursed to the said Surveyor or Surveyors by the Person or Persons refusing or neglecting as aforesaid; and in case any such Person shall not, upon Demand, pay and reimburse to such Surveyor or Surveyors such Charges as aforesaid, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, in like Manner as is herein authorized or directed for the Recovery of any other Penalty inflicted by this Act; and if after the Removal of any of the said Annoyances, any Person shall again offend in the like Manner, every such Person shall for every such Offence, over and above such Charges as aforesaid, forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof to be paid to the Informer, and the other Moiety to be applied to the Purposes of this Act.

Penalty on
riding on
Footpaths,
&c.

LXXIX. And be it further enacted, That if any Person or Persons shall wilfully or negligently injure, destroy, break down, or otherwise damage, or shall ride on, or drive or lead any Horse, Beast, Cattle, or Carriage over or upon any Footpath or Causeway made or to be made on the Side or Sides of the said Road or any Part thereof, or shall wilfully or negligently damage or destroy any of the Fences, Walls, or Gates on the Sides of the said Road, and belonging thereto; or if any Driver of any Waggon or other Carriage shall wilfully or carelessly break or damage any of the Posts or Stones which may be erected for the Security of the said Footpaths or Causeways; or if any Person or Persons shall plough over or drag any Plough upon any Part of the said Road, or in ploughing shall turn any Horse or other Beast drawing any Plough upon any Part of the said Road, to the Prejudice or Injury thereof; or if any Person or Persons shall scrape off any Mud, Soil, or other Matter or Thing which shall be or lie upon any Part of the said Road, so as wilfully to damage the said Road or any Part thereof; or if any Person shall hale or draw or cause to be haled or drawn upon any Part of the said Road any Tree or Piece of Timber, or any Stone (otherwise than upon wheeled Carriages), or shall suffer any Part of any Tree or Piece of Timber or Stone, which shall be carried upon a wheeled Carriage, to drag upon any Part of the said Road, to the Prejudice or Injury thereof; or if any Person driving any Pigs or Swine upon the said Road shall suffer the same to root up or damage the said Road, or any Part thereof, or the Fences, Hedges, Walls, Backings, or Copse on either Side thereof; or if any Person or Persons shall leave or suffer any Cattle, Sheep, Beast, or Pigs to be and remain loose on the said Road; or if any Person driving any Coach, Chaise, or Waggon, Cart or other Carriage, upon the said Road, and meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his Carriage on the left or near Side of the said Road; or if any Person shall in any Manner wilfully prevent

prevent any other Person from passing him, her, or them upon the said Road, or the Coach, Chaise, Waggon, Cart, or other Carriage under his, her, or their Care, or if any Person shall make or assist in making any Fire or Fires whatsoever, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football, on any Part of the said Road; or if any Person or Persons shall leave any Waggon, Wain, Cart, or other Carriage, or any Plough, Harrow, or other Implement of Husbandry (without some reasonable Cause, to be allowed by the Justice of the Peace before whom the Person so offending shall be summoned or conveyed in order to his or her Conviction, and save and except with regard to such Waggon, Wain, Cart, or other Carriage during such reasonable Time as the same shall be loading or unloading, and standing as near to the Side of the said Road as conveniently may be,) in, upon, or on the Side of the said Road, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or if any Person shall lay any Piece of Timber, or any Stones, Brick, Hay, Straw, Lime, Coal, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, on any Part of the said Road, or on the Side or Sides thereof, to the Prejudice or Injury thereof, or to the Annoyance, Hinderance, or Prejudice of any Person or Persons travelling thereon, or shall do any other Damage or Injury to the said Road, or any Part thereof; every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

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

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

LXXXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may cause the said Road to be measured, and Mile Stones to be set up at or near the Sides thereof, at the Distance of One Mile from each other, with Inscriptions thereon denoting the Number of Miles and Distances of Places, as they the said Trustees shall think fit, and also cause to be erected Guide Posts upon such Parts of the said Road where the same are crossed and joined by other Roads, as they shall judge proper; and if any Person or Persons shall wilfully break, throw down, injure, destroy, obliterate, or deface any Table of Tolls, Mile Stones, or Posts erected on any Part of the said Road, or any of the Letters, Figures, or Marks inserted or inscribed thereon, or shall wilfully break, throw down, or injure any Stone or Stones, or Parapet Wall or Walls on the Side or Sides of any Bridge or Bridges, Arch or Arches, on any Part or Parts of the said Road, every such Person so offending shall forfeit and pay for such Offence any Sum not exceeding Five Pounds for each Table of Tolls,
Stone,

Road to be measured, and Mile Stones and Guide Posts to be erected.

Stone, Post, Parapet Wall, or Arch, so broken, thrown down, injured, or destroyed, or on which any Letters, Figures, or Marks shall be so obliterated or defaced, One Moiety whereof to be paid to the Informer, and the other Moiety to be applied for the Purposes of this Act.

Gates not to swing into the Road.

LXXXII. And be it further enacted, That all Gates to be hereafter made and placed in any Field or Ground adjoining any Part of the said Road, shall be made and hung to open and swing inwards towards such Field or Ground, and not towards the said Road; and that it shall be lawful for the said Trustees, or any Five or more of them, to order all such Gates as are now erected or may hereafter be erected, and open and swing outwards towards the said Road, to be altered and made to open and swing inwards, as they the said Trustees shall think proper; and if any Occupier or Occupiers of the Lands upon which any Gate or Gates is or are or shall be constructed so as to open and swing outwards towards the said Road, shall (after Ten Days Notice from the Surveyor of the said Road requiring him, her, or them to alter any such Gate or Gates, and to make the same to open and swing inwards) refuse or neglect to make such Alterations, or after such Alterations shall have been once made shall again alter the same, every such Occupier or Occupiers shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on obstructing the Execution of this Act.

LXXXIII. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause to be assaulted, interrupted, or hindered, any Collector of the Tolls employed in the Execution of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Persons liable to the Repair of the Road, &c. to continue so.

LXXXIV. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable to the amending, maintaining, or repairing any Part or Parts of the said Road, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall still remain liable and chargeable to the Repair thereof, in such Manner as they were before the passing of this Act.

Townships to be liable to repair.

LXXXV. And be it further enacted, That all the Inhabitants of the several Parishes, Townships, Hamlets, Districts, or Places through which the said Road shall pass, shall be liable to the Repair of such Parts of the said Road as are within their respective Parishes, Townships, Hamlets, Districts, or Places, in such and the same Manner as they are liable to the Repair of any other Highways within the same: Provided always, that the Inhabitants of the several Townships within the said Parishes of *Beethom* and *Warton* shall in no Case be liable to repair any Part of the said Road, until the same shall have been formed in a workmanlike and substantial Manner, and shall have been so certified by Two of His Majesty's Justices of the Peace for the County wherein the said Road shall lie, at a Special Sessions for the Highways to be held for that Purpose.

Persons chargeable to Statute

LXXXVI. Provided always, and be it further enacted, That all Persons who by Law are liable to do Statute Work on any Part of the said Road within the

the Parishes, Townships, or Places through which the said Road or any Part thereof passes, shall be liable to do the same on the said Road; and it shall and may be lawful to and for any Two or more Justices of the Peace for the County in which such Road shall be situated, and they are hereby empowered and required, upon Application made to them by the said Trustees, or by their Clerk or Surveyor by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes 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 or as a Composition for such Statute Work as aforesaid, shall be by them paid to the said Trustees, or their Treasurer or Treasurers; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who, within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of 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 Manner and under such Regulations and Restrictions as is or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists 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 do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Road, as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper to the Surveyor or Surveyors of every such Parish, Township, or Place to be by him or them paid, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and every such Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him 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

Work to
continue fo.
Justices to
determine
Differences.

[Local.]

[18 Q]

Force

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 Road, shall be found negligent or idle by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person who shall be found idle and negligent as aforesaid ; and in that Case every such Person sending such Labourer, Team, or Draught, shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if such Team or Draught had not been sent to work on any Part of the said Road ; all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards the amending the said Road ; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places shall refuse or neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees may compound for Statute Work.

LXXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons, Bodies Politic or Corporate, for the Repairs or Statute Work to be by them done on the said Road, or any Part thereof ; and also with the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments of and in all or any of the Parishes, Townships, or Places duly authorized for that Purpose at a public Vestry, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Road ; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, or by the Person or Persons so compounding, to the Treasurer or Treasurers of the said Trustees in advance, on or before the First Day of *May* in each and every Year, or otherwise the Inhabitants and Occupiers of such Parish, Township, or Place shall not be permitted to compound for that Year.

For securing transient Offenders.

LXXXVIII. And whereas Offences may be committed against this Act by Persons unknown to the Collectors, Surveyors, or other Officers appointed to put this Act into Execution ; be it therefore enacted, That it shall and may be lawful for any of the said Trustees, or their Clerk or Clerks, or the Collectors, Surveyors, or other Officers respectively, and such Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed ; and such Justice is hereby empowered, directed, and required to proceed to the hearing and determining of the Complaint.

For Recovery and Application of Penalties.

LXXXIX. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the County

County in which the Offence shall be committed (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, and which Oath such Justice is hereby empowered to administer); and the Overplus, if any, of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered, (if not hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied toward the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender to be committed to the Common Gaol or House of Correction of such County, Town, or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures shall be sooner paid and satisfied.

XC. And be it further enacted, That for the more speedy Conviction of Offenders against this Act, all and every the Justice and 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 Form or to the Effect following :

Directing the
Form of Con-
viction.

BE it remembered, That on the _____ Day of _____
to wit. _____ in the Year of our Lord _____ is convicted
before me (or us) _____ of His Majesty's Justices of the Peace
for the _____ by virtue of an Act of Parliament made
and passed in the Fifty-eighth Year of the Reign of His Majesty King
George the Third, intituled *An Act* [here set forth the Title of this Act,
and specify the Offence, and the Time and Place when and where
the same was committed.] Given under _____ Hand and Seal
the Day and Year first above written.

XCI. And be it further enacted, That all Persons who have subscribed or shall subscribe to pay any Money towards making and repairing the said Road, shall, and he, she, and they is and are hereby required to pay his, her, and their Subscription Money to the Treasurer to the said Trustees, at such Time or Times as shall be appointed by the said Trustees; and if any Subscriber shall neglect or refuse to pay such Money as aforesaid, it shall and may be lawful to and for the said Trustees, in the Name of their Clerk or Treasurer for the Time being, to sue for and recover the same by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

Power to
compel
Payment of
Subscriptions.

XCII. Provided always, and be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, until after Twenty-one Days Notice shall have been given to the Defendant or Defendants, nor after sufficient Satisfaction or Tender thereof made to the Party or Parties aggrieved; nor after Twelve Calendar Months next after the
Fact

Limitation
of Actions.

Fact committed; and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead, at his 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 if any such Action or Suit shall be brought before Twenty-one Days' Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case 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 Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Cases by Law.

Appeal.

XCIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General Quarter Sessions of the Peace to be holden for the County or Place in which such Cause of Appeal shall arise next after the Expiration of Four Calendar Months from the Time such Matter of Appeal shall have arisen; the Person or Persons appealing having first given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Treasurers or Clerk to the said Trustees, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for the County where the Cause of Appeal shall arise, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices of such Quarter Sessions; and the said Justices in such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination thereon, and to award such Costs to either of the Parties or otherwise as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Distress not to be unlawful for Want of Form.

XCIV. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties

Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

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

Proceedings not to be quashed for want of Form.

XCVI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Notice of Action to be given, and Plaintiff not to recover after Tender of Amends.

If no Tender made, Money may be paid into Court.

XCVII. Provided always, and be it further enacted, That all Mines of Lead Ore, Mines, Veins, Beds, or Seams of Coal, Ironstone, and other Materials whatsoever, which shall be discovered or found in or under any Lands to be appropriated to the said Road by virtue of this Act, shall be and they are hereby reserved to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who would have been seised of or entitled to the same in case this Act had not been made, with Liberty for him or them, or his or their respective Agents or Servants, to dig for, mine, and work the same, in such Manner as is usual for carrying on Works of that Kind in the District or Place where such Mines, Coal, or other Materials shall be found, and in as full and ample a Manner as if the said Land had not been taken and appropriated for the Purposes aforesaid, so that in the working thereof no Damage shall be done to the said Road, or any Part thereof.

Mines reserved to the Owners of Lands.

XCVIII. 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.

Public Act.

[Local.]

[18 R]

XCIX. And

1630

58° GEORGII III. *Cap. lxx.*

Commence-
ment and
Continuance
of this Act.

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

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