



ANNO TERTIO

GEORGIIV. REGIS.

Cap. xii.

An Act for more effectually repairing the Roads from *Nether Bridge* to *Leven's Bridge*, and from thence through the Town of *Millthrop* to *Dixes*; and from the Town of *Millthrop* to *Hangbridge*, and from thence to join the *HeronSyke* Turnpike Road, near *Clawthrop Hall* in the County of *Westmorland*. [3d April 1822.]

WHEREAS an Act was made in the Thirty-second Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for repairing, amending, and widening the Roads from the South-west End of Nether Bridge in the County of Westmorland, by Sizergh-fell-side, to Leven's Bridge, and from thence through the Town of Millthrop to Dixes; and from the Town of Millthrop aforesaid to Hangbridge, and from thence to join the HeronSyke Turnpike Road at the Guide Post near Clawthrop Hall in the County aforesaid:* And whereas another Act was made in the Twentieth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for enlarging the Term and Powers of an Act made in the Thirty-second Year of the Reign of His Majesty King George the Second, intituled 'An Act for repairing, amending, and widening the Roads from the South-west End of Nether Bridge in the County of Westmorland, by Sizergh-fell-side, to Leven's Bridge, and from thence through the Town of Millthrop to Dixes; and from the Town of Millthrop aforesaid to Hangbridge, and from thence to join the HeronSyke Turnpike Road at the Guide Post near Clawthrop Hall in the County aforesaid:'* And whereas another Act was made in the Forty-first Year of the Reign of His late Majesty

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41 G.3. c. 36. Majesty King George the Third, intituled *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term, and enlarging the Powers of Two Acts passed in the Thirty-second Year of the Reign of His late Majesty King George the Second, and in the Twentieth Year of the Reign of His present Majesty, for repairing, amending, and widening the Roads from the South-west End of Nether Bridge in the County of Westmorland, by Sizergh-fell-side, to Leven's Bridge, and from thence through the Town of Millthrop to Dixes; and from the Town of Millthrop aforesaid to Hangbridge, and from thence to join the Heronsyke Turnpike Road at the Guide Post near Clawthrop Hall in the County aforesaid*: And whereas the Trustees appointed in and by virtue of the said Acts have proceeded in the Execution thereof, and have borrowed several Sums of Money upon the Credit of the Tolls authorized by the said recited Acts to be demanded and taken, which Money cannot be repaid, and the said Roads be kept in sufficient Repair, unless the said Acts are repealed, and further and other Powers for more effectually amending, widening, diverting, improving, and keeping in Repair the said Roads granted, and the Tolls increased: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First *Tuesday* next after the passing of this Act, the said recited Acts shall be and the same are hereby repealed; and that instead thereof, this Act shall commence and take Effect, and be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, improving, and keeping in Repair the Roads herein-after mentioned; that is to say, the Roads leading from the South-west End of *Nether Bridge* in the County *Westmorland*, to *Leven's Bridge*, and from thence through the Town of *Millthrop* to *Dixes*, and from the Town of *Millthrop* aforesaid to *Hangbridge*, and from thence to join the *Heronsyke* Turnpike Road at the Guide Post near *Clawthrop Hall* in the County aforesaid, through the several Parishes of *Kirkby Kendal*, *Heversham*, *Beetham*, and *Burton in Kendal* in the said County of *Westmorland*.

Recited Acts repealed, and this Act to be executed instead thereof.

This Act made subject to the Payment of all Monies borrowed on the Credit of the former Acts.

Persons owing Money shall continue liable; and all Bonds, Contracts, &c. to remain in full Force.

II. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed or are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts, and of all Interest due and to grow due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or had become due and owing on the Credit or on Account of this Act; and that all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said former Acts, shall be liable to the Payment thereof to the Trustees for executing this Act; and all Bonds, Covenants, Agreements, Contracts, and Securities, entered into by any Person or Persons to or with the Trustees for executing the said former Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account of and for the Benefit of the Trust under this Act; and all Lettings of Tolls, Orders, Contracts, and Agreements, made and entered into by the said Trustees for executing the said former Acts, shall, so far as the same are not altered or avoided by this Act, remain

remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Stipulations thereof respectively, the Repeal of the said former Acts or any Law to the contrary notwithstanding.

III. And be it further enacted, That all His Majesty's Justices of the Peace, acting for the County of *Westmorland* for the Time being, together with *William Atkinson, William Waltham Atkinson, John Atkinson, John Atkinson the younger, Robert Abbotson, William Berry, William Berry the younger, John Barrow, George Barrow, George Braithwaite, Joseph Braithwaite, Isaac Braithwaite, Robert Bradley, Robert Greene Bradley, Robert Benson, William Bindloss, William Bindloss the younger, Robert Bindloss, John Barton, Obadiab Burrow, Bateman Backhouse, Sir Alan Chambre Knight, William Dillworth Crewdson, William Dillworth Crewdson the younger, Robinson Cartmel, the Reverend John Cartmel, Thomas Cartmel (of Tarleton), Edward Cumming, Edward Cragg, John Cragg, William Clapham, William Cotton, Thomas Dobson, William Dodgson, Robert Dickinson, John Dawson, Robert Dent, the Reverend Sir Richard Fleming Baronet, the Reverend John Fleming, Fletcher Fleming, Robert John Fayerer, Ralph Fisher, Richard Crampton Fell, Robert Greenhow, Robert Gawthrop, James Gandy, Thomas Gandy, John Gandy, James Gandy the younger, Charles Gibson, Charles Gibson the younger, the Honourable Fulk Greville Howard, William Hutton, William Hutton the younger, Robert Harrison, John Harrison, Thomas Harrison, Daniel Harrison, Richard Hardy, Jonathan Hodgson, Edmund Hornby, Edmund Geoffrey Hornby, Robert Hancock, Isaac Hadwen, David Huddleston, the Reverend John Hudson, Edward Johnson, William Johnson, James Johnson, John Ireland, John Ireland the younger, Thomas Innman, George Kitching, John Kew, William Lawson, the Reverend George Lawson, Lord Viscount Lowther, the Honourable Henry Cecil Lowther, Frederiek Maude, Thomas Holme Maude, William Mason, the Reverend William Moore, William Maling, Thomas Newby, John Newby, John Nelson, Christopher Nicholson, William Pennington, John Postlethwaite, John Pearson, Isaac Rigge, John Rigg, Edward Rawlinson, Thomas Reader, Thomas Strickland, George Smythe, John Scott, the Reverend Samuel Scott, John Fell Swainson, Joseph Swainson the younger, the Reverend Henry Sill, John Parkinson Sill, Nathan Sill, Henry Smithies, John Shutt, James Sinkinson, Thomas Saul, William Turner, Thomas Talbot, William Talbot, John Thomson, Edmund Tatham, Edward Tatham, the Reverend Joseph Thexton, Daniel Wilson, William Wilson, Carus Wilson, Christopher Wilson, Christopher Wilson (Attorney), Edward Wilson, Edward Wilson (Abbot Hall), John Wilson (Plumtree Bank), John Wilson (Helsington), Thomas Wilson, Smith Wilson, William Wilson, Isaac Wilson (Shearman), the Reverend William Carus Wilson, the Reverend Bryan Waller, Francis Webster, James Wilkinson, Thomas Wilkinson, John Wakefield, John Wakefield (the younger), Jacob Wakefield, Edward Wakefield, Isaac Whitwell, Joseph Waithman, Anthony Yeates, George Yeates, Richard Yeates, and the Reverend Edward Yeates, shall be and they are hereby appointed Trustees for putting this Act into Execution.*

IV. And be it further enacted, That it shall be lawful for the said Trustees appointed by this Act, or any Three or more of them, and they are hereby authorized and empowered, at a Meeting to be held for that Purpose, of which Meeting and the Purpose thereof Ten Days Notice shall be given in the Manner herein-after directed respecting Meetings for the

Additional
Trustees.

the Appointment of Trustees on Vacancies, to elect and appoint any Number of Persons, not exceeding Five 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 nominated and appointed in and by this Act.

Power to
choose new
Trustees.

V. And be it further enacted, That in case any of the Trustees, other than and except the Justices of the Peace acting for the said County, appointed in and by virtue of this Act, shall die, or become bankrupt or insolvent, or refuse, decline, or become disqualified or incapable to act, it shall be lawful for any Three or more of the surviving or remaining Trustees, by Writing under their Hands, (at any Meeting, whereof at least Ten Days Notice shall be given upon all the Toll Gates erected or to be erected upon and across the said Roads, specifying that an Appointment of new Trustees is intended to be made at such Meeting, and also by inserting a public Notice of the Time, Place, and Purport of such Meeting, Twice in some Newspaper or Newspapers published or circulated in the said County of *Westmorland*), to nominate and appoint One or more fit Person or Persons living in the said County of *Westmorland*, to be a Trustee or Trustees in the Room of such Trustee or Trustees so dying, becoming bankrupt, or insolvent, or disqualified, or refusing, declining, or becoming incapable to act as aforesaid; and every Person so nominated and appointed as aforesaid (being qualified as by this Act is required) shall have the same Power and Authority to act as a Trustee or Trustees in the Execution of this Act, and he and they are hereby authorized and empowered to act, as fully and amply as if he and they had been hereby nominated and appointed.

Qualification
of Trustees.

VI. 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 in his own Right, or in Right of his Wife, be possessed of or in the Receipt of the Rents, Issues and Profits of Freehold or Copyhold Lands, Tenements or Hereditaments, in the said County of *Westmorland*, of the clear Yearly Value of One hundred Pounds above Reprizes, or possessed of a Personal Estate alone, or Real and Personal Estate together, of the Amount or Value of Four thousand Pounds, or unless he be Heir Apparent to a Person possessed of or in the Receipt of the Rents, Issues and Profits of Freehold or Copyhold Lands, Tenements or Hereditaments in the said County, of the clear Yearly Value of Two hundred Pounds above Reprizes; and if any Person, not qualified as aforesaid, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath herein-after mentioned, or being a Quaker, not having made and subscribed the Affirmation herein-after mentioned, shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, 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, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he is qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such
Person

Person hath acted as a Trustee in the Execution of this Act; provided always, that all Acts which shall have been done by any such Person touching the Execution of this Act, previous to his being convicted of or a Verdict given against him for the Offence before mentioned, shall, notwithstanding such Conviction or Verdict, be as valid and effectual as if such Person had been duly qualified to act as a Trustee according to the Directions of this Act.

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

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly, sincerely, and truly affirm and declare,*] That I am truly and *bonâ fide*, in my own Right, or in the Right of my Wife, [*as the Case may be*] possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements or Hereditaments situate in the County of *Westmorland*, of the clear Yearly Value of One hundred Pounds above Reprizes, [*or, am Heir Apparent of A. B. who, to the best of my Knowledge and Belief, is seised and possessed of or in the Receipt of the Rents, Issues, and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments situate in the County of Westmorland, of the clear Yearly Value of Two hundred Pounds above Reprizes, or am possessed of a Personal Estate alone, or of a Real and Personal Estate together, to the Amount or Value of Four thousand Pounds, after the Payment of all my just Debts. So help me GOD.*’

(Except, that in case of any of the People called *Quakers*, the Words ‘ So help me God,’ are to be omitted.)

VIII. 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.

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

IX. Provided always, and be it further enacted, That no Person or Persons who shall keep any Victualling House, Ale House, or other House of Public Entertainment, or who shall sell any Wine, Cyder, 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 or Profit under the said Trustees, or of collecting the Tolls hereby granted or made payable, and to be collected on the said Roads, during such Time as he, she, or they shall keep such Victualling House, Ale House, or other House of Entertainment, or shall sell any Wine, Cyder, 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

Victuallers, &c. incapable of acting or holding any Place of Profit.

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a Person

a Person to collect such Tolls who shall not be under any such Incapacity.

First Meeting
of Trustees.

Power to
adjourn.

Trustees shall
defray their
own Ex-
pences.

Meetings on
Emergencies.

Orders to be
made at
Meetings
only, and
Majority to
concur.

X. And be it further enacted, That the said Trustees shall meet at the Town of *Kirkby in Kendal*, or elsewhere, as they shall in their Discretion think fit; the First Meeting to be held at the said Town of *Kirkby in Kendal* on the First *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Morning and Two in the Afternoon, and shall then and there proceed in the Execution of this Act, and from Time to Time adjourn themselves to meet at the same Place, or at such other Place upon or near to some Part of the said Roads, and at such Times as the said Trustees shall from Time to Time order and direct, not exceeding Three Calendar Months from any such Meeting: Provided always, that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case a competent Number of Trustees shall not appear at the Time and Place appointed for any Meeting of the Trustees for putting this Act in Execution, either to act or to adjourn to any other Time, or in case the Trustees at any Time assembled shall omit or neglect to adjourn themselves, then and in either of the said Cases it shall be lawful for any Two or more of the said Trustees (or the Clerk to the said Trustees, being authorized by an Order in Writing signed by any Two or more of the said Trustees), to call a Meeting of the said Trustees, by a Notice in Writing to be affixed upon all the Turnpikes and Toll Gates which shall be then erected upon the said Roads, at least Seven Days previous to the Time of such Meeting, at such Time and Place as such Two Trustees shall think proper and appoint; and that the said Trustees shall, at their First and all their subsequent Meetings, pay their own Charges and Expences, except a reasonable Allowance for the Use of the Room where such Meeting shall be held, which shall be paid out of the Tolls.

XI. And be it further enacted, That if after any Adjournment of the said Trustees, it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed, it shall and may be lawful to and for any Two or more of the said Trustees, or the Clerk to the said Trustees, (being authorized by an Order in Writing signed by Two or more of the said Trustees) although not assembled at a Meeting, mentioning the Time and Place and Purposes of such Meeting, to give Notice thereof in the Manner before directed, and of the Time, Place, and Purposes of such Meeting as shall be mentioned in the Order of the said Trustees (such Time not being less than Five Days after such Notice); and all Proceedings of the Trustees at such Meeting, whether relating to the particular Subject on which such Meeting shall be called or not, shall be as valid as they would have been in case the Trustees had met in pursuance of any Adjournment, and such Meeting shall and may be adjourned to such Time and Place as any other Meetings under this Act are authorized to be adjourned or held.

XII. And be it further enacted; That no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and that all Acts, Orders, and Proceedings relating to this Act, which are directed to be had, made, done, or exercised by or before the said Trustees, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major

Part

Part of the Trustees who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number present not being less than Three (except in such Cases where any other Number is herein named); and that all Acts, Orders, or Proceedings had, made, or done by or before such Three Trustees, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed, by or before all the said Trustees; and a Chairman shall and may in the first Place be appointed at every Meeting to be held by virtue and for the Purposes of this Act, who, in case of an equal Number of Votes upon any Occasion (including such Chairman's Vote) shall have the casting or decisive Vote.

General Quorum of Trustees.

Chairman to be appointed, who shall have a casting Vote.

XIII. And be it further enacted, That no Order made by the said Trustees shall be revoked or altered, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order shall have been made; and unless Twenty-one Days Notice shall be given by Three Trustees to the Clerk of the said Trustees, of their Desire to have a Meeting, at a Time and Place to be mentioned in such Notice, for the Purpose of taking into Consideration the said Order, with a View to revoke or alter the same, or that it will be proposed to revoke or alter such Order at the next adjourned Meeting; and in such Case Notice shall be given by the Clerk, Fourteen Days at least before such Meeting, as well to such Trustees as were present when the Order was made, of the Intention to revoke or alter such Order, (which Notice may either be served on such Trustees personally, or sent to them through the Post Office, or left at their respective Dwelling Houses or usual Places of Residence,) as also by inserting a Public Notice of the Time, Place, and Purport of such Meeting, Twice in some Newspaper or Newspapers published or circulated in the said County of *Westmorland*, and by affixing a similar Notice at least Fourteen Days before such Meeting upon all the Toll Gates erected or to be erected upon and across the said Roads.

How Orders may be revoked or altered.

XIV. Provided always, and be it further enacted, That on the Second *Tuesday* in the Month of *June* in every Year, a General Meeting of the said Trustees shall be holden for the Purpose of examining the Accounts of the Clerk, Treasurers, Surveyors and Collectors of Tolls, and other Persons employed in the Receipt or Expenditure of any of the Monies belonging to the said Roads; 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 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.

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

XV. 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,

Trustees being Justices of the Peace may act as such, and Mortgagees.

or

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 in the Execution of this Act.

Proceedings to be entered in a Book, and signed.

XVI. And be it further enacted, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered, shall be signed by the Trustees making the same, or the major Part of them; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Tolls or Transcripts thereof, shall and may be read in Evidence in all Cases of Appeal, and in all Suits, Actions, Controversies, or Disputes, touching any thing done or to be done by virtue of or in pursuance of this Act, or in anywise relating thereto.

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

XVII. 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 Roads, 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 herein-after mentioned.

Trustees may appoint Officers,

and remove them.

Officers to account.

XVIII. And be it further enacted, That the said Trustees, as Occasion shall require, may by Writing under their Hands elect and appoint a Clerk or Clerks, and Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors of such Money as shall arise and be made due and payable by virtue of this Act; and also a Surveyor or Surveyors, and all such other Officers as they the said Trustees shall think necessary and proper to be employed in the Execution of the Powers of this Act; and also may remove, from Time to Time, all such Clerks, Treasurers, Collectors, Receivers, Surveyors, and other Officers, or any of them, as they the said Trustees shall see Occasion; and upon the Death, Resignation, or Removal of such Officers, or any or either of them, the said Trustees may appoint others in their Stead; and the said Trustees shall and may, out of the Money to be raised and received by virtue of this Act, make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, Surveyors, and all other Officers so appointed, and to such other Persons as shall be assisting in and about the Execution of this Act, as to them the said Trustees shall seem proper; and every Officer and Person who shall be so appointed as aforesaid, shall from Time to Time, when thereunto required

required by the said Trustees, by Writing under their Hands, make out and deliver to such Trustees, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account, in Writing, under his or her Hand, of all Monies which shall have been by him, her, or them had, collected, or received, and how and to whom, and for what Purpose the same and every Part thereof hath or have been disposed of, together with the Vouchers and Receipts for such Payments, and every such Officer or Person shall, and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver up such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required, in manner aforesaid; or shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Seven Days after being thereunto required by the said Trustees, or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power, relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any One of the said Trustees, or by any Person or Persons on Behalf of the said Trustees, of any such Neglect or Refusal, to any Justice of the Peace for the County of *Westmorland*, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Trustees might have done; and if upon Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any credible Witness or Witnesses, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person, such Justice may, and he is hereby authorized and empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, and if such Officer or Person shall not appear before the said Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up as aforesaid all such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid, the said Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or Person to the Common Gaol or House of Correction in that Ward or Division of the County where he or she shall live or reside, there to remain without Bail or Mainprize until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale (if any) as shall in that

Proceedings
against Offi-
cers refusing
to account,
&c.

[*Local.*]

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respect

respect have been made, or until he or she shall have compounded with the said Trustees for such Money and Charges, and paid the Composition Money to the said Trustees, or to such Person or Persons as they shall appoint to receive the same (and which Composition the said Trustees are hereby empowered to make), and shall have delivered up as aforesaid all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Trustees: Provided always, that no Person who shall be committed for want of sufficient Distress shall be detained in Prison for any longer Space of Time than Six Calendar Months.

Treasurer to give Security.

XIX. And be it further enacted, That the said Trustees shall and they are hereby authorized, directed, and required to take such Security from the Treasurer or Treasurers, and other Officers to be appointed for the Purposes of this Act, for the due Execution of his and their said Office and Offices, as to the said Trustees shall seem meet.

Officers under former Acts (other than the Treasurer) continued.

XX. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers (other than the Treasurer), nominated and appointed under and by virtue of the said Acts hereby repealed, or any of them, shall hold and enjoy their several and respective Offices and Employments, until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor or other Officer or Officers shall have the like Powers and Authorities for carrying this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations, in all Respects whatsoever as if he or they had been nominated or appointed under or by virtue of this Act.

Clerk not to act as Treasurer, and vice versa.

XXI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or 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 continue or appoint the Person who has been or 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 the said recited Acts or 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 the said recited Acts or 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 with full Costs of Suit 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 Imparance shall be allowed.

Trustees may discharge Collectors, and appoint temporary ones.

XXII. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls by this Act granted shall neglect to perform or be incapable of performing his Duty, or shall abscond or absent himself, any Two or more of the said Trustees (though not assembled at a Meeting of the said Trustees appointed to be held by virtue of this Act) may discharge such Collector or Receiver so neglecting, or being incapable of performing his Duty, or absconding or absenting himself; and in such Case, and

and also in case any such Collector or Receiver of the Tolls shall die, the said Trustees or any Two or more of them (though not assembled at such Meeting) shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Tolls, to continue until the next Meeting of the said Trustees, in the Stead of such Collector or Receiver who shall so die or be discharged; and such Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all Respects as the Person who shall die or be discharged would have had or would have been subject to; and 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 Representative or Representatives of any Collector or Receiver who shall die or be discharged, or any other Person, shall refuse to deliver up the Possession of any Toll Gate or Toll House, or any of the Appurtenances thereof, for the Space of Two Days next after Demand thereof made, and Notice in Writing given for that Purpose by any Two or more of the said Trustees, (although not assembled at a Meeting) or by the Clerk or Treasurer of the said Trustees for the Time being; or if any Lessee or Farmer of any of the Tolls arising by virtue of this Act shall retain and keep Possession of any such Toll Gate, Toll House, or Appurtenances, after the End of his, her, or their Lease or Term therein; then and in any of the said Cases, it shall and may be lawful for any Justice or Justices of the Peace for the County of *Westmorland*, by Warrant under his or their Hand and Seal, or Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter into such Toll House and Appurtenances in the Day-time, and to remove the Person or Persons who shall be found therein, or in Possession of the said Gate, together with his, her, or their Goods, out of and from the same, and to put the said Trustees, or any one of them, or their Clerk or Treasurer, or such new-appointed Collector or Receiver, into the Possession of such Toll Gate, Toll House, and Appurtenances.

Collectors refusing to deliver up Toll Houses, &c.

Justices empowered to grant Warrants, and Constable to enter and remove such Collectors.

XXIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing to be done by virtue of or in pursuance of this Act, in the Name of any One of the said Trustees or of their Clerk for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or against the said Trustees by virtue of this Act, in the Name of such Trustee or Clerk, shall abate or be discontinued by the Death or Removal of any such Trustee or Clerk, nor by the Act of such Trustee or Clerk, without the Consent of the said Trustees, at a Meeting held in pursuance of this Act, but that One of the said Trustees or the Clerk for the Time being to the said Trustees, shall be deemed to be the Plaintiff or Defendant (as the Case may be) in every such Action or Suit: Provided always, that every such Trustee or Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be fully indemnified, reimbursed, and paid, out of the Monies to arise by virtue of this Act, all such Costs, Damages and Expences, as by the Event, or in consequence of any such Action or Proceeding, he shall pay, bear, expend, or to be put unto, or become chargeable with, by reason of his being so made Plaintiff or Defendant as aforesaid.

Trustees may sue and be sued.

XXIV. And

New Tolls at
Helsington
Toll Gate.

XXIV. And be it further enacted, That the Turnpike, Toll House, and Toll Gate called *Helsington Gate*, erected and now standing by the Side of, upon, and across the said Roads, shall remain and be continued, and that the Tolls granted by the said recited Acts shall be demanded and taken thereat, until the Twelfth Day of *May* One thousand eight hundred and twenty-two, and that upon and from and after the said Twelfth Day of *May* One thousand eight hundred and twenty-two, the respective Tolls following (except in the Cases herein-after mentioned) shall be demanded and taken thereat, by each and every such Person and Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through the same; that is to say,

Tolls.

For every Horse or other Beast of Draught, drawing any Coach, Chariot, Landau, Landulet, Barouche, Chaise, Phaeton, Curricule, Car, Chair, Gig, Hearse, 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 One Shilling:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, if drawn by Two or more Horses, or other Beasts of Draught, the Sum of Sixpence; and if drawn by One Horse or other Beast of Draught, the Sum of Four-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, laden with Cord Wood for Fuel, Peats, Coals, Cannel, or Cinders only, if drawn by Two or more Horses or other Beasts of Draught, the Sum of Three-pence; and if drawn by One Horse or other Beast of Draught, the Sum of Two-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, having paid Toll for drawing the same, laden with Cord Wood for Fuel, Peats, Coals, Cannel, or Cinders, and returning the same Day with the same Waggon, Wain, Cart, Caravan, or other such Carriage, through the same Toll Gate, with any other Loading not hereby exempted from the Payment of Toll, if drawn by Two or more Horses or other Beasts of Draught, the Sum of Three-pence; and if drawn by One Horse or other Beast of Draught, the Sum of Two-pence:

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

For every Ass, laden or unladen, and not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, *per* Score, the Sum of Ten-pence; and so in proportion for any greater or less Number.

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

Trustees may
erect a new
Toll Gate
across the
Road be-
tween Greavy
Gate Lane
and Mill-
throp.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered to cause to be built and erected One additional Toll House and Toll Gate, with suitable Outbuildings, and other Conveniences, by the Side of and upon and across that Part of the said Roads which is between a certain Lane called *Greavy Gate Lane*, and the Town of *Millthrop* aforesaid, at

such Place and Places, as a Majority of the Trustees present at any Special Meeting to be held for that Purpose shall think fit: Provided always, that no such Special Meeting for the Purpose aforesaid, shall be holden before any Two or more of the said Trustees, or the Clerk to the said Trustees shall have given public Notice of the Time and Place of holding the same, and the Purpose thereof, by inserting such Notice Twice in some Newspaper or Newspapers published or circulated in the County of *Westmorland*, and also by affixing a Notice thereof on the said Toll Gate called *Helsington Gate*, at least Fourteen Days previous to such Meeting.

XXVI. And be it further enacted, That from and after the Erection of the said additional Toll House and Toll Gate, the respective Tolls following shall be demanded and taken thereat, by each and every such Person and Persons as the said Trustees shall from Time to Time appoint to receive the same, before any Horse, Mule, Ass, Beast or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage shall (except in the Cases herein-after mentioned) be permitted to pass through the same; that is to say,

Tolls to be taken at the new Toll Gate between Greavy Gate Lane and Millthrop.

For every Horse or other Beast of Draught, drawing any Coach, Chariot, Landau, Landalet, Barouche, Chaise, Phaeton, Curricle, Car, Chair, Gig, Hearse, or other such Carriage, the Sum of Two-pence: Tolls.

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

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, if drawn by Two or more Horses or other Beasts of Draught, the Sum of Three-pence; and if drawn by One Horse or other Beast of Draught, the Sum of Two-pence:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, laden with Cord Wood for Fuel, Peats, Coals, Cannel or Cinders only, if drawn by Two or more Horses or other Beasts of Draught, the Sum of One Penny Halfpenny; and if drawn by One Horse or other Beast of Draught, the Sum of One Penny:

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Cart, Caravan, or other such Carriage, having paid Toll for drawing the same, laden with Cord Wood for Fuel, Peats, Coals, Cannel, or Cinders, and returning the same Day with the same Waggon, Wain, Cart, Caravan, or other such Carriage, through the same Toll Gate, with any other Loading not hereby exempted from the Payment of Toll, if drawn by Two or more Horses or other Beasts of Draught, the Sum of One Penny Halfpenny; and if drawn by One Horse or other Beast of Draught, the Sum of One Penny.

For every Horse or Mule, laden or unladen, and not drawing, the Sum of One Penny:

For every Ass, laden or unladen, and not drawing, the Sum of One Halfpenny:

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

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

XXVII. Provided always, and be it further enacted, That every Person travelling with any Carriage, Horse, or Cattle, through the said additional Toll

Persons having paid Toll at the

[*Local.*]

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new Toll Gate, on producing a Ticket denoting such Payment, to pass Helsing-ton Gate, paying reduced Toll;

and Persons having paid full Toll at Helsing-ton Gate, on producing a Ticket, denoting such Payment, to pass the new Toll Gate, Toll free.

Power to erect Side Gates.

Tolls to be taken there-at.

Toll Gate, who shall have paid thereat the Toll hereby granted and made payable, on producing a printed Note or Ticket denoting such Payment (which Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll), shall be permitted 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,) to pass through the said Toll Gate called *Helsington Gate*, with the same Carriage, Horse and Cattle, on paying thereat such further Toll or Sum, as will, with the Toll or Sum specified in such Ticket, make up and amount to the full Toll herein-before granted and made payable at the said Gate called *Helsington Gate*; and also that every Person who shall have paid at the said additional Toll Gate the Toll hereby granted and made payable thereat, on producing a printed Note or Ticket denoting such Payment, (which Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll) shall be permitted on the same Day, (such Day to be computed as aforesaid) to pass Toll-free with the same Carriage, Horse, and Cattle through or across any Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, to be erected and set up by virtue of this Act, on the Side or Sides of the said Roads; and across any Public Lane or Way leading out of the same; and that every Person travelling with any Carriage, Horse, or Cattle, through the said Toll Gate called *Helsington Gate*, and who shall have paid thereat the full Toll herein-before granted and made payable thereat, on producing a printed Note or Ticket denoting such Payment, (which Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll), shall be permitted on the same Day, (such Day to be computed as aforesaid) to pass Toll-free with the same Carriage, Horse, and Cattle, through the said additional Toll Gate hereby authorized to be erected, and also through any Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, authorized by this Act to be erected on the Side or Sides of the said Roads, or across any Public Lane or Way leading out of the same.

XXVIII. 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 Roads, and across any Public Lane or Way leading out of the same, and thereat respectively to demand and take by each and every such Person and Persons as the said Trustees shall from Time to Time appoint to receive the same, such and the like Tolls as are herein-before granted and made payable at the said additional Toll Gate herein-before authorized to be erected upon and across that Part of the said Roads which is between *Greavy Gate Lane* and *Millthrop* aforesaid, before any Horse, Mule, Ass, Beast, or other Cattle, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through or across any Gate or Gates, Turnpike or Turnpikes, Bar or Bars, Chain or Chains, to be erected as aforesaid by virtue of this Act: Provided always, that every Person paying at any Gate, Turnpike, Bar, or Chain to be so erected by virtue of this Act, the Toll hereby granted and made payable thereat shall, on producing a printed Note or Ticket denoting such Payment, (which Note or Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll) be permitted 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) to pass

pass through the said Toll Gate called *Helsington Gate* with the same Horse, Cattle, and Carriage, on paying thereat such further Toll or Sum as will, with the Toll or Sum specified in such Ticket, make up and amount to the full Toll herein-before granted and made payable at the said Gate called *Helsington Gate*; and also that every Person paying at any Gate, Turnpike, Bar, or Chain, to be erected by virtue of this Act, the Toll hereby granted and made payable thereat, on producing a printed Note or Ticket denoting such Payment, (which Ticket the Collector of the Tolls is hereby required to give *gratis* on Receipt of the Toll) shall be permitted on the same Day, (to be computed as aforesaid) to pass Toll-free, with the same Horse, Cattle, and Carriage, as well through the said additional Toll Gate herein-before authorized to be erected upon and across that Part of the said Roads which is between *Greavy Gate Lane* and *Millthrop* aforesaid, as through or across any other Gate, Turnpike, Bar or Chain authorized to be erected by virtue of this Act on the Side or Sides of the said Roads, or across any Public Lane or Way leading out of the same.

XXIX. Provided always, and be it further enacted, That no Toll Gate, Side Gate, or Toll House, shall be erected or built across or on the Side of any Part of the said Roads, within the Township of *Kirkland*, by virtue of this Act.

No Toll Gate or Side Gate to be erected in the Township of *Kirkland*.

XXX. Provided always, and be it further enacted, That no more than one full Toll, that is to say, of the Amount hereby granted and made payable at the Gate called *Helsington Gate*, shall be demanded or taken for the Passage of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates now erected and continued, or hereafter to be erected upon, across, or on the Side of the said Roads, on the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, except in the Cases herein-after mentioned.

Number of Tolls to be taken.

XXXI. And be it further enacted, That from and after the said Twelfth Day of *May* One thousand eight hundred and twenty-two, no Person who shall have paid the Toll hereby authorized to be taken for the passing of any Horse, Beast, Cattle, or Carriage through the Toll Gate now erected and continued, or through any Toll Gate or any Side Gate hereafter to be erected by virtue of this Act upon or on the Side of the said Roads, shall be subject or liable to any Toll for returning, passing, or re-passing through the same Toll Gate or Side Gate, the same Day, before Twelve of the Clock at Night, with the same Horse, Beast, Cattle or Carriage, but that every such Person, on producing a Note or Ticket denoting the Payment of such Toll, shall (except in the Cases hereafter mentioned) be permitted to pass through such Toll Gate or Side Gate, with such Horse, Beast, Cattle or Carriage Toll-free, which Note or Ticket; (such Ticket to name and specify the Gate at which such Payment shall have been made, and also the Gate freed by such Payment, the Collectors of the Tolls are hereby respectively required to give *gratis* on Receipt of the Toll); and in case any Collector, Receiver, or Renter of the said Tolls, or any Person employed by him or her, shall refuse to give such Ticket to the Person demanding the same, or shall refuse to give a Ticket in any other Case wherein a Ticket is required by this Act to be given, every such Collector, Receiver, Renter or Person shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

No more than One Toll to be taken for passing the same Day;

XXXII. Pro-

except
Horses, &c.
drawing dif-
ferent Car-
riages.

XXXII. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Toll Gates or Side Gates, returning the same Day through the same Toll Gates or Side Gates, drawing any other or different Coach, Chariot, Chaise, Gig, Chair or other such Carriage, Waggon, Wain, Cart or other such Carriage, shall be permitted to repass Toll-free through the same Toll Gates or Side Gates the same Day; any thing herein contained to the contrary thereof in anywise notwithstanding.

Tolls on
Stage
Coaches
and Post
Chaises.

XXXIII. Provided nevertheless, and be it further enacted, That the said Tolls shall be payable for all Stage Coaches and other such public Carriages, (except Post Chaises), for every Time of passing and repassing along the said Roads on the same Day (to be computed as aforesaid), and also for all Post Chaises and other Carriages travelling for Hire, for passing and repassing along the said Roads on the same Day (to be computed as aforesaid), upon every Time of a new Hiring of such Post Chaises and other Carriages, on a Ticket being produced denoting a new Hiring: Provided always, that all Horses travelling for Hire, and drawing or having drawn any Chaise or other Carriage for which any Toll shall have been paid at any Turnpike erected or to be erected on the said Roads, shall, on returning without the Ticket denoting a fresh Hiring being produced, be permitted to repass Toll-free, although such Horses, Chaise, or Carriage, shall not have passed through such Turnpike on the same Day.

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

XXXIV. And be it further enacted, That for or in respect of 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 late Majesty King George the Third, 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*, and for or in respect of the several Horses or other Beasts drawing the same, there shall be granted and allowed the several Provisions and Exemptions granted by such Act.

Power to
remove Toll
Gates.

XXXV. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose, of which Fourteen Days Notice shall be given, to order and direct any Turnpike, Toll Gate, and Side Gate, now erected and continued, or hereafter to be erected upon, across, or on the Side of the said Roads, to be removed and placed elsewhere on the said Roads, in such Situations as to them the said Trustees may appear fit and eligible: Provided always nevertheless, that nothing herein contained shall extend or be construed as extending to empower the said Trustees to cause the said additional Toll Gate herein-before authorized, to be erected upon and across that Part of the said Roads which is between *Greavy Gate Lane* and *Millthrop*, to be removed and placed elsewhere on the said Roads, other than within the Limits aforesaid.

His Majesty's
Horses or
Carriages
exempt.

XXXVI. And be it further enacted, That no Toll shall be demanded or taken for any Horses or Carriages attending His Majesty or any of the Royal Family, or returning therefrom.

XXXVII. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Toll Gates or Side Gates erected and continued, or to be erected upon the said Roads, for any Horse, Cattle or Carriages of whatever Description employed or to be employed in conveying the Mails of Letters and Expresses, under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning therefrom; nor for the Horses belonging to any Officers, Soldiers, Militia, or Local Militia, on their March or on Duty; nor for any Horses, Cattle, or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers, Soldiers, Militia or Local Militia, or in carrying any such sick, wounded, or disabled Officers, Soldiers, or Militiamen, or returning empty after having been so employed, nor for any Waggon, Wain, Cart or other Carriage whatsoever, or the Horse or Horses, or other Cattle drawing the same, which shall be employed in conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces solely; nor for any Horse, Mare, or Gelding, furnished by or for any Person or Persons belonging to any Corps of Yeomanry or Volunteer Cavalry respectively, and rode by them, nor for any Carriage conveying Volunteer Infantry, in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Person or Persons be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively, at the Time of claiming such Exemption; nor for any Horses, Cattle, or Carriages employed solely in carrying or conveying the Arms or Baggage of any Officers or Soldiers of any Yeomanry or Volunteer Cavalry, or Volunteer Infantry, or returning empty after having been so employed; and that none of the said Tolls shall be taken, demanded, or received from any Rector, Vicar, or Curate, within his own Parish or Chapelry, going to or returning from his own Parish Church or Chapel, or visiting his sick Parishioners, or sick Inhabitants of his Church or Chapelry, or on other his parochial or ministerial Duty; nor from any other Person or Persons going to or returning from his, her, or their Parochial Church, Chapel, or other usual Place of Religious Worship, tolerated by Law on *Sundays*, or any other Day on which Divine Worship shall be ordered by Authority to be celebrated, or attending or returning from attending, the Funeral of any Person or Persons who shall die and be buried in any one and the same Parish, Township, Chapelry, Hamlet or Place, through which any Part of the said Road passes; nor for any Horses, Beasts, Cattle, or Carriages used or employed for the Purpose only of carrying or conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Westmorland*, during the Time of such Election, or on the Day before or on the Day after such Election shall begin or be concluded, such Person or Persons having voted or having a Right to vote at such Election, or of carrying or conveying, or returning unladen or empty from carrying or conveying, Vagrants sent by legal Passes; or any Prisoner in Custody under any legal Warrant; or of carrying or conveying, or returning unladen and empty from carrying or conveying, any Hay or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards of or belonging to the respective Owners,

[Local.]

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the

General Ex-
emptions
from Toll.

the same not being for Sale or purchased, but being the Growth and Produce of Land held and occupied by the respective Owners of any such Produce, situate in any Parish, Township, Hamlet, or Place through which any Part of the said Road passes; or of carrying or conveying, or returning unladen and empty from carrying or conveying, any Grass, Clover, Green Food, Fodder, Straw, Turnips, or Potatoes, not for Sale or purchased, but passing to be laid up in the Houses, Out-houses, Barns, Yards or Closes of the Owner or Owners thereof; or of carrying or conveying, or going to carry or convey, or returning unladen and empty from carrying or conveying, any Dung, Mould, Marl, Soil, Lime, Limestone, Soaper's Waste, Manure, or Compost, to be used only for manuring any Land or Gardens; nor for any Horse, Beast, Cattle, or Carriage going to or returning from Husbandry Work, or employed in carrying or conveying, or going to carry or convey, or returning unladen and empty from carrying and conveying, having been solely employed in carrying or conveying any Plough, Harrow, drilling Machine, or other agricultural Machine or Implement of Husbandry, or any other Thing or Things whatsoever, to be employed in Husbandry or manuring Land; or in carrying or conveying, or going to carry or convey, or returning unladen and empty from carrying or conveying, having been employed solely in carrying or conveying any Grist or Meal to or from any Corn Mill, for and to be actually used by the Owner and his Family, and not for Sale; nor for any Horse, Beast, or Cattle passing to or repassing from Water or Pasture, or going to or returning from being shod or farried; nor for any Horse, Beast, Cattle, Cart or Carriage, used or employed for the Purpose only of carrying or conveying, or going to carry or convey, or returning empty from carrying or conveying, any Gravel, Stones, Timber, Sand or other Materials for the making or repairing any Highway or Public Road, within any such Parish, Township, Hamlet or Place as aforesaid; or for rebuilding, building or repairing any present or future Toll House or Toll Houses, or any present or future Bridge or Bridges on the Roads under this Act; nor for any Horse, Beast, Cart or Carriage, employed only in carrying or conveying or going to carry or convey Milk or Grains, or Draff, for the feeding of Cattle, or returning empty, or without any other Loading not intended to be hereby exempted from Toll, after having been so employed; and if any Person shall claim and take the Benefit of any Exemption in this Act contained or provided for, not being entitled to the same, every Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and in all Cases the Proof of Exemption shall be upon the Person claiming the same.

Waggons
conveying
Military
Stores not
subject to
Penalties for
Overweight.

XXXVIII. And be it further enacted, That no Person owning or driving or causing to be driven, any Waggon, Wain, Cart, or other Carriage provided for the Service of His Majesty's Forces, or conveying any Ordnance, Barrack, or Commissariat or other Public Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces, shall be subject to any Penalty or Forfeiture for Overweight; nor shall any such Waggon, Wain, Cart or other Carriage be stopped or detained by reason of any Weight in any such Waggon, Wain, Cart or other Carriage, or being drawn by any Number of Horses or other Beasts of Draught; 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 other Beasts of Draught, in any such

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 thereof notwithstanding.

XXXIX. And be it further enacted, That if any Person or Persons shall ride, drive, go, or pass with any Horse, Beast, Cattle or Carriage, through or over any Gate, private Passage, Land, Ground or Place, not being the Owner or Owners, Occupier or Occupiers thereof, or any of his, her, or their Family, or in his, her, or their Employ, lying by the Side of or near to any Part of the said Roads; or if any Person or Persons owning or occupying any Land, Ground, or Place, situate as aforesaid, shall knowingly or wilfully permit or suffer any Person or Persons not being of his, her, or their Family, or his, her, or their Servant or Servants, to go or pass with any Horse, Beast, Cattle or Carriage, or other Thing liable to the Payment of Toll, through or over such Gate, private Passage, Land, Ground or Place, in order thereby to evade the Payment of the said Tolls, or any Part thereof; or if any Person or Persons shall forge, counterfeit, or alter, or shall offer, deliver to, or receive from any other Person any Note or Ticket with Intent to avoid or evade Payment of the said Tolls, or any Part thereof, or shall take off, or suffer to be taken off, any Horse or other Beast, from any Carriage, either before or after having passed through any Toll Gate or Side Gate now or hereafter to be erected upon the said Roads, or having passed through any such Toll Gate or Side Gate, shall afterwards add or put any Horse or Beast to any Carriage for the Purpose of drawing the same upon any Part of the said Roads, or load or unload any Goods, Wares, or Merchandize, or any Box, Bale, Pack, Truss, Package, or Parcel, or other Thing, with Intent to avoid or evade the Payment of any of the said Tolls; or if any Person or Persons shall forcibly pass through any such Toll Gate or Side Gate, with any Horse, or other Cattle or Beast, with or without any Carriage, without the Payment of Toll, all and every such Person and Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as is herein-after provided for the Recovery of Penalties and Forfeitures; one Moiety whereof when received shall be paid to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

Penalty on
avoiding
Tolls.

XL. And be it further enacted, That the respective Sums of Money hereby authorized to be taken as aforesaid, shall be demanded and taken in the Name of or as Tolls, and shall be and are hereby vested in the said Trustees, and shall be applied as herein-after is directed; and if any Person subject or liable to the Payment of any of the said Tolls shall, after Demand thereof made, neglect or refuse to pay the same, or any Part or Parts thereof, it shall and may be lawful for the Person or Persons authorized and appointed as aforesaid to collect such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and distrain any Horse, Cattle or other Thing, upon or in respect of which such Toll, or any Part thereof, is hereby imposed, together with their respective Bridles, Saddles, Gears, Harness, or Accoutrements (except the Bridle or Reins of any Horse or Beast separate from such Horse or Beast), or any Carriage, in respect of the Horses or Cattle drawing the Carriage on which such Toll is imposed, or any of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay; and if the Toll, or any Part

Tolls vested
in Trustees,

with Power
to distrain
in Default
of Payment.

Part thereof, so neglected or refused to be paid, and the reasonable Charge of such Seizure and Distress, shall not be paid within the Space of Five Days next after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horse, Cattle, Carriage, or Thing so seized and distrained, or a sufficient Part thereof, returning the Overplus of the Money to arise by such Sale (if any), and what shall remain unsold, upon Demand, to the Owner thereof, after such Tolls, and the reasonable Charges occasioned by such Seizure, Distress, and Sale, shall be deducted.

Disputes concerning Tolls how to be settled.

XLI. And be it further enacted, That if any Dispute shall happen about the Amount of Toll due, or of the Charges of keeping any Distress, it shall be lawful for the Collector or Person distraining, to detain the same, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Toll due, and the Charges of seizing, distraining, keeping, and selling (as the Case may happen) shall be ascertained by One or more Justice or Justices of the Peace for the County of *Westmorland*; who, upon Application made to him or them for that Purpose, shall examine the said Matter on Oath of the Parties, or other Witness or Witnesses, and determine the Amount of the Toll due, and shall award such Costs and Charges to either Party as to the said Justice or Justices 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 or Justices, rendering the Overplus (if any) on Demand, after deducting the Costs and Charges of making such Distress and Sale to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

Collectors of Tolls not incompetent Witnesses.

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

Power to vary Tolls.

XLIII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered to lessen or reduce all or any of the Tolls by this Act granted, and for such Time or Times as they the said Trustees shall think proper, and from Time to Time afterwards to advance all or any of the Tolls so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Tolls hereinbefore mentioned; so that such Reduction be made with the Consent of the several Persons who shall be entitled to Five-sixth Parts of the Money then due on the Credit of the said Tolls; and that such reduced Tolls, and also such Parts or Proportions as aforesaid, shall and may be collected, levied, and applied in such and the same Manner as the Tolls hereby granted are directed to be collected, levied, and applied; but that no Meeting shall be held for the Purpose of lessening, reducing, or advancing all or any of the said Tolls, after the first Meeting, unless Twenty Days previous Notice at the least shall be given thereof in Writing, to be affixed

upon all the Turnpikes or Toll Gates which shall be then erected upon the said Roads.

XLIV. And be it further enacted, That every Toll Collector being a Lessee or Renter of the said Tolls, or being appointed either by the said Trustees, or by any Lessee or Lessees, Renter or Renters, to collect the Tolls payable at any Turnpike or Toll Gate to be continued or erected by virtue of this Act, shall, and he or she is hereby required to place his or her Christian and Surname, painted on a Board in legible Characters, in the Front of the Toll House, immediately over the Door thereof, immediately upon his or her beginning to collect thereat or coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he or she shall collect such Toll, or 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 and take a Toll from any Person or Persons who shall be exempt from the Payment thereof, and claim such Exemption, or shall demand or take a greater or less Toll than directed or authorized by this Act, 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 or her Christian or Surname to any Person or Persons who shall demand the same, on having paid the said Tolls, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to give a Ticket denoting the Payment of the Toll, and naming and specifying the Toll Gate or Toll Gates at which such Ticket shall be delivered, and also the Toll Gate or Toll Gates freed by such Payment, or shall unnecessarily detain any Passenger or Passengers, Traveller or Travellers, or shall make use of any scurrilous, abusive, or blasphemous Language to any Passenger or Traveller, 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.

Toll Collectors to put up their Names.

XLV. Provided always, and be it enacted, That if any Person or Persons shall at any Time wilfully break in Pieces, tear down, obliterate, or destroy the Board, or the Name or Names of any such Collector as aforesaid thereon painted or written, or shall assault, obstruct, hinder, or molest any Collector, or any Surveyor, or other Person or Persons, who shall be by or under the Order or Authority of the Trustees employed on the said Roads in the Execution of this Act, in the Performance of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Punishing Persons damaging Toll Boards, &c. or assaulting Collectors.

XLVI. And be it further enacted, That in case all or any of the Tolls arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, shall be in Arrear for the Space of Fourteen Days next after any

Enabling Trustees to take Possession of Toll Houses, in case of the Nonperformance of the Terms of the Lease.

[Local.]

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of

of the Days on which the same ought to be paid; or in case such Lease or Agreement shall in any other Manner, or for any other Cause become void, then and in either of such Cases it shall and may be lawful for any Justice of the Peace for the County, Liberty, or Place where the Toll Gate or Toll House shall be situate, and he is hereby required, upon Application made to him by the said Trustees or their Clerk, Treasurer, or Surveyor, or by any other Person authorized by Writing under their Hands, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of any or every such Toll House or Toll Houses, Toll Gate, Bar, Chain, or Weighing Engine, and the Buildings, Gates, and Appurtenances thereto belonging, and to remove and put out such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereat respectively, and all other Persons whomsoever, from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or any Person acting by or under their Authority, Possession thereof; and that thereupon it shall be lawful for the said Trustees (if they shall think fit) to vacate and determine the Demise of the said Tolls, or the Contract or Agreement for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void to all Intents and Purposes whatsoever (save only as to the Obligations, Covenants, or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part), as if such Demise or Agreement had never been made; and in that Case, or in case the Lease or Agreement shall otherwise become void, it shall and may be lawful for the said Trustees in every such Case to demise or let to farm the said Tolls, Toll Houses, Gates, and Appurtenances again to any other Person or Persons, or cause the said Tolls to be collected in such and the same Manner as if no former Demise, Contract or Agreement had been made relative thereto.

Power to
provide
Lamps, &c.

Penalty on
breaking, &c.

XLVII. 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 Expences attending the providing of such Lamps, Lamp Posts, Lamp Irons, and the Furniture thereof, shall be defrayed out of the said Tolls, or out of any Money to be borrowed on the Credit thereof; and if any Person or Persons shall break, throw down, or damage all or any of the 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, Lamp 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 of the said Trustees for the Use of the said Roads.

XLVIII. And be it further enacted, That the Right and Property of all the Turnpikes, Toll Gates and Toll Houses, Side Gates, Tables of Tolls, and the several Conveniencies and Appurtenances thereto belonging, which are already erected or made upon or on the Sides of the said Roads or which shall be erected or made by virtue of this Act, and all Materials for building or repairing the same, and for repairing the said Roads, and all the Lamps, Lamp Posts, Lamp Irons, and the Furniture thereof, respectively, 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 their Successors; and they are hereby 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, or prefer, or cause to be preferred and prosecuted, any Bill or Bills of Indictment against any Person or Persons who shall keep Possession of any such House or Appurtenances, or shall break down or damage, steal or take away, any of such Turnpikes, Toll Gates, Toll Houses, Conveniencies, Appurtenances, Materials, Articles or Things, or disturb them, or their Agents or Servants, in the Possession thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Thing or Things for or concerning which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for repairing the Roads from *Nether Bridge* to *Leven's Bridge*, and through *Millthrop* to *Dixes*, and from *Millthrop* to *Hangbridge*, and from thence to the *Heron'syke* Turnpike Road, near *Clawthrop Hall*, in the County of *Westmorland*, without particularly mentioning or specifying the Name or Names of all or any of the said Trustees.

XLIX. And be it further enacted, That it shall and may be lawful for the said Trustees (at any Meeting whereof Fourteen Days Notice shall have been given in printing or writing, and affixed upon all the Toll Gates then erected on the said Roads, and inserted in some Newspaper circulated in the Neighbourhood of the said Roads), from Time to Time to demise and let to farm, or agree to demise and let to farm all or any of the Tolls arising by virtue of this Act, and all or any of the Toll Houses, and the Conveniencies and Appurtenances thereto belonging, by public Auction, for any Term not exceeding Three Years, to the highest Bidder, and for the best Price that can be got for the same, and to put up and offer the same at such annual Sum or Sums of Money, and under such Conditions and Agreements, and with such Sureties for the Payment of the Rents, at such Times, and to such Person or Persons as the said Trustees shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls under this Act are directed to be applied; and if the said Trustees, at any Meeting for letting the said Tolls, shall be of Opinion that a Combination exists among the Bidders, to undervalue the same, they may proceed in such Letting in such Manner as they shall think most likely to create a real and *bond fide*, and advantageous Competition for the same; and at all such Lettings, the Trustees shall have, or be entitled to Two or more Biddings for the said Tolls, either by themselves or their Clerk or Treasurer, or other Person by them authorized, any thing in any Law or Statute to the contrary thereof notwithstanding; and in case, at any Time or Times hereafter, when the said Tolls shall be put up to Auction, there shall be no Bidder or Bidders, or in case the same shall not be let at such Auction, then it shall

be

be lawful for the said Trustees, or any Three or more of them, to accept a private Tender for the same, and to demise or let to farm, or agree to demise or let to farm, all or any of such Tolls, at any Sum not less than the Sum at or for which they shall have been then last let, any thing in any Law or Statute to the contrary notwithstanding; and the Rent or Money arising by such Letting, shall be applied in such Manner as the Tolls under this Act are directed to be applied.

Tolls may be compounded for.

L. And be it further enacted, That it shall be lawful for the said Trustees, and for any Renter or Collector of the said Tolls, or any Part thereof, with their Concurrence and Approbation, to compound for any Term not exceeding One Year at any one Time, with any Person or Persons, for any Carriage or Carriages, Horses, Beasts or Cattle, travelling on the said Roads, for all or any of the said Tolls to be paid in respect of such Carriage or Carriages, Horses, Beasts, or Cattle, passing or to pass during such Term through all or any of the Toll Gates then erected on the said Roads, such Composition Money to be paid in Advance Quarterly, or otherwise as the said Trustees shall think fit, and in Default thereof, the Composition to be void.

Trustees to borrow Money on Mortgage of the Tolls.

LI. And be it further enacted, That the said Trustees shall and may, at any Meeting to be holden at any Time or Times hereafter, and they are hereby authorized and empowered to borrow and take up at Interest, on the Credit of the Tolls hereby granted, such further Sum or Sums of Money as they shall think necessary; and they are hereby authorized and empowered, either at such Meeting or afterwards, by any Writing or Instrument under their Hands and Seals, to mortgage all or any Part of the Tolls hereby granted (the Charges of mortgaging the same to be paid out of such Tolls), for any Term or during the Continuance of this Act, as a Security or Securities for any Sum or Sums of Money to be so borrowed, to such Person or Persons, or his, her, or their Trustee or Trustees, as shall advance and lend the same (subject and without Prejudice to the several Mortgages which have been made under the said recited Acts, by certain Trustees appointed under and by virtue of such Acts); which Mortgages shall be made in the following Form of Words, or in some other Form of Words to the like Effect; (that is to say),

Form of Mortgage.

‘ **BY** virtue of an Act passed in the Third Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled [*here insert the Title of this*
 ‘ *Act*] we, _____ of the Trustees for putting the said Act in Execu-
 ‘ tion, in Consideration of the Sum of _____
 ‘ to the Treasurer of the said Trustees in Hand paid, do grant, bargain,
 ‘ sell, and demise unto _____ his, [*her, or their*] Exe-
 ‘ cutors, Administrators, and Assigns, such Proportion of the Tolls
 ‘ arising by virtue of the said Act, and of the Toll Gates and Houses for
 ‘ collecting the same, as the said Sum of _____
 ‘ doth or shall bear to the whole of the Monies owing and secured on the
 ‘ Credit thereof, to be had and holden from this _____ Day of
 ‘ _____ in the Year of our Lord
 ‘ for and during the Continuance of the said Act, unless the said Sum of
 ‘ _____ with Interest at the Rate of
 ‘ *per Centum per Annum*, shall be sooner paid and satisfied. Given under
 ‘ our Hands and Seals, this _____ Day of _____ in the Year
 ‘ of our Lord _____

And

And Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; and all and every Person or Persons to whom any such Mortgage or Mortgages shall be made as aforesaid, or who shall be entitled to the Money thereby secured, or to whom any Mortgage or Assignment of the Tolls may have been made under the said recited Acts, or any of them, may from Time to Time transfer his, her, or their Right, Title, Interest, or Benefit to the Principal and Interest thereby secured, or any Part thereof, to any Person or Persons whomsoever, by signing before one credible Witness an Instrument, either endorsed or not indorsed upon such Mortgage or Assignment, in the following Words, or Words to the like Effect; (that is to say),

Copies of Mortgages shall be entered in a Book or Books kept for that Purpose.

I *A. B.*, do transfer this Mortgage or Security [*or, a certain Mortgage or Security, shortly stating it, as the Case may be,*] with all my Right and Title to the Principal Money thereby secured, and all the Interest now due thereon, unto *C. D.*, his [*her, or their*] Executors, Administrators and Assigns. Dated this _____ Day of _____ in the Year of our Lord _____

Form of Transfer,

Witness, *E. F.*

A. B.

Which Transfer shall be produced and notified to the Clerk or Treasurer to the said Trustees, who shall cause an Entry or Memorial to be made thereof in the before-mentioned Book or Books, specifying the Date, Names of the Parties, and Amount of the Sums transferred, for which Entry the said Clerk or Treasurer shall be paid the Sum of Five Shillings and no more; and such Transfer shall then entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof; and Payment thereon; and such Assignee or Assignees may in like Manner assign or transfer the same again, and so *toties quoties*, and it shall not be in the Power of any Person or Persons (except the Person or Persons to whom the same shall be last transferred) to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

which must be entered with the Clerk.

LII. Provided always, and be it further enacted, That no Preference shall be given to any Person or Persons who hath or have advanced any Sum or Sums of Money upon the Credit of the said recited Acts, or any of them, or who shall or may advance any Sum or Sums of Money upon the Credit of this Act, in respect of the Priority of having advanced, or of advancing, any such Sum or Sums of Money but that all Persons to whom any Mortgages or Assignments have been, or shall be made as aforesaid, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the same Tolls, in equal Degree one with another.

No Preference among the Creditors for the Money raised under this Act.

LIII. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said recited Acts, and of each of them, or out of the Tolls and all other Monies which shall be raised or received by virtue of this Act, the said Trustees shall in the first Place pay and discharge all Costs and Expences relative to procuring and passing this Act; and the Remainder of all such Monies shall from Time to Time be applied in repaying the Money borrowed or now owing by virtue of the said recited Acts or any of them, or to be borrowed in pursuance of this Act, and the Interest due and to grow due thereon respectively, and in repairing, widening,

Application of the Tolls and Money to be borrowed.

[Local.]

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widening,

widening, improving, and rendering commodious the said Roads, and in otherwise putting this Act into Execution, and to or for no other Use or Purpose whatsoever.

Power to enter Lands for setting out and making Roads.

LIV. And be it further enacted, That it shall be lawful for the said Trustees, and their Surveyor or Surveyors, Workmen and Assistants, with or without Horses and Carriages, from Time to Time, to enter the Lands or Grounds through or near which any Part of the said Roads hereby authorized to be made and kept in Repair passes, or is intended to pass, and to strike 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 to any Fine, Penalty or Action, for entering or continuing upon any Parts of such Lands or Grounds respectively, for any of the Purposes of this Act, making Satisfaction (if required) to the Owners or Occupiers of such Lands or Grounds for the Damage which shall be done to the Land or Ground on the Side of the said Roads while the same shall be making; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out the said Roads, every Person so offending shall forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds; and that all such Parts of the said Lands and Grounds as shall be so laid out into the said Roads, shall be deemed and taken to be a public Highway, and shall be used as such for ever thereafter.

Trustees may make and divert the Road.

LV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to make and repair, and from Time to Time widen, divert, shorten, vary, and alter, within the Distance herein-after mentioned, the Course or Path of any Part or Parts of the said Roads, 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 Roads through such Lands or Hereditaments; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Husbands, Guardians, Trustees, or 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 or agree with the said Trustees for

the 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 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 do by virtue and in pursuance of this Act.

LVI. And whereas Maps or Plans describing the Line of the Deviations intended to be made, and the Lands through which the same are to be carried, together with Books of Reference, containing Lists of the Names of the Owners and Occupiers of such Lands, hath been deposited with the Clerk of the Peace for the County of *Westmorland*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts of the said Maps or Plans and Books of Reference; and that the said Trustees, in making such Deviations, shall not deviate more than One hundred Yards from the Lines 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 Deviations shall be made.

New Branch to be made according to Plan.

LVII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Deviations into, through, across, or over the Lands, Hereditaments and Premises of any Person or Persons who is or are or may be the Owner or Owners of Lands or Premises, over which the same or any Part thereof is or are set out and described in the said Maps or Plans as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously described or omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Westmorland*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

LVIII. And be it further enacted, That it shall not be lawful for the said Trustees to make, widen, divert, turn or alter any other Part or Parts of the said Roads beyond the Limits of One hundred Yards, without the Consent in Writing of the Owners or Proprietors of the Lands, through which the same shall be carried.

Trustees may widen or alter Road.

LIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to empower the said Trustees, their Agents or Servants,

No Part of the Meadow called Garden Flatt to

be taken
into the
Road.

Servants, to enlarge the said Roads, by taking in any Part of the Meadow called or known by the Name of the *Garden Flatt*, in the Township of *Levens*, now belonging to or in the Tenure of the Honourable *Fulke Greville Howard*, his Under Tenants or Assigns, without the Consent in Writing of the Owner or Owners thereof for the Time being first had and obtained for that Purpose.

Trustees
restrained
from pulling
down Dwelling
Houses,
&c.

LX. Provided also, and be it further enacted, That the Power and Authority hereby given to the said Trustees, shall not extend to the pulling down any Dwelling House or other Building, or taking in the Site of any House or other Building, or any Part thereof, or to take in any now existing Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground now set out as a Plantation or as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietors thereof first had and obtained, except a certain Dwelling House and a Yard adjoining thereto, in the Occupation of *Ewan Rawlinson*, belonging to *Daniel Wilson* Esquire; certain Out Houses belonging to and in the Occupation of *John Beetham*; a certain Yard or small Plot of Ground on the North Side of the said Out Houses, also belonging to and in the Occupation of the said *John Beetham*; and a certain Garden on the South Side of the said Out Houses, also belonging to and in the Occupation of the said *John Beetham*, all situate and being at *Leasgill*, in the Parish of *Heversham* aforesaid.

Fences to be
made where
the Road
shall be cut
through in-
closed
Lands, &c.

LXI. And be it further enacted, That in all Cases where any inclosed Lands 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 Roads, and also proper Gates, Bridges, Arches, and other Works, where necessary, out of the said Roads into the Lands adjoining, and shall keep the said Fences so to be made in good Order and Repair for the Term of Three 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 diverted,
&c. until the
Owners of
Land shall
be paid the
Purchase
Money.

LXII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize and empower the said Trustees, or any of them, or their Surveyor or Surveyors, or any other Person; to begin to widen, divert, shorten, vary, and alter the Course or Path of any Part or Parts of the said Roads, 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 Purposes of this Act, or until such Purchase 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.

LXIII. And

LXIII. And be it further enacted, That if any such Bodies Politic, Corporate or Sole, Executors, Administrators, Husbands, Guardians, Feoffees, Trustees, Committees, 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, or other Place or Places of Abode of such Person or Persons, or of the Principal Officer or Officers of such Bodies Politic, Corporate or Sole, Ecclesiastical or Civil, or at the House of the Tenant in Possession of the Lands or Hereditaments intended to be used or taken for the Purpose of making, widening, varying, diverting, turning or altering any Part or Parts of the said Roads, or for other the Purposes of this Act, shall, for the Space of Ten Days next after such Notice given or left, 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 or any such Case the said Trustees shall cause such Damage or Recompence to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County of *Westmorland*; and in order thereto, the said Trustees are hereby authorized and required from Time to Time as Occasion shall require to summon and call before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath or Oaths 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 Damage 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 and other Persons interested in such Lands or Hereditaments, according to the Verdict or Inquisition of such Jury, which said Verdict or Inquisition, and Judgment, Order, or Determination thereon shall be binding, final, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming or to claim in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Females Covert, Lunatics, Idiots, and Persons under any Disability whatsoever, Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all Persons whomsoever; and for the summoning and returning such Jury, the said Trustees are hereby empowered to issue their Warrant or Warrants to the Sheriff of the said County of *Westmorland*, requiring him to impanel, summon, and return Twenty-four Persons qualified to serve on Juries to appear before the said Trustees at such Time and Place as in such Warrant or Warrants shall be appointed; 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 summoned, impanelled, and returned, or out of such of them as shall appear upon such Summons, the said Trustees shall and they are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen so returned, the said Sheriff or his Deputy or Deputies, or the said Trustees, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, to make up the Number of Twelve, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees shall have Power

When Persons neglect or refuse to treat.

[*Local.*]

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from

from Time to Time to impose any reasonable Fine or Fines upon such Sheriff, or his Deputy or Deputies, Bailiffs or Agents making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, who without sufficient Excuse 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 a Verdict, or shall 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, without sufficient Excuse, refuse or neglect to appear, or appearing shall refuse to be sworn and examined or give Evidence, so that no such Fine be more than Ten Pounds on any such Sheriff, Deputy, Bailiff, or Agent, nor more than Five Pounds on any other Person for one Offence.

How Expences of Jury shall be paid.

LXIV. And be it further enacted, That if any Jury shall give in and deliver a Verdict or Assessment for more Money, as a Recompence for the Right, Interest, or Property of any Person or Persons in any Lands or Hereditaments, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to or offered by the said Trustees, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, and all other Expences attending the hearing and determining such Difference, shall be borne and paid by the Treasurer to the said Trustees out of the Money to arise by virtue of this Act; but if such Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Trustees before the summoning and returning the said Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the hearing and determining of such Difference, shall be borne and paid by the Person and Persons with whom the said Trustees have had such Controversy or Dispute; which said Costs and Expences, having been settled by some Justice of the Peace for the said County of *Westmorland*, not interested in the Matter in question (who is hereby required to examine and settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person and Persons; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Tender and Payment 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, shall and may be recovered by the Clerk to the said Trustees by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures: Provided always, that in all Cases where any Person shall, by reason of Absence, have been prevented from treating, such Costs and Expences shall be borne and paid by the said Trustees out of the Money to be raised or received under or by virtue of this Act.

LXV. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for or ascertained or assessed as aforesaid, shall be paid out of the Tolls or out of the Monies to be raised by virtue of this Act, either into the Bank of *England*, or to the Parties or Persons respectively entitled to such Monies; or to their Agents (as the Case may require), and that upon Payment or Tender thereof to such Persons or their Agents, or in case of Refusal to accept the same, then upon depositing the same in the Bank of *England*, in manner herein-after mentioned, for the Use of such Persons, and after Twenty-one Days Notice thereof given to such Persons or their Agents, or left at their respective usual Places of Abode, or with the Tenant or Tenants in Possession of such Lands, Tenements, or Hereditaments, it shall be lawful for the said Trustees, their Surveyors, Workmen, or Agents, to make, extend, widen, divert, vary, or turn any Part or Parts of the said Roads through or over such Lands or Hereditaments, and to do all and every such Acts, Matters, and Things, with relation to such Lands or Hereditaments, as the said Trustees shall think fit, according to the Directions of this Act; and all the Lands and Hereditaments which shall be made a Part or Parts of the said Roads by virtue of this Act shall be deemed a Common Highway, and shall be maintained and kept in Repair as such, and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title to such Lands and Hereditaments, and the Land constituting any former Road, in lieu whereof some new Road shall be made by virtue of this Act, unless leading over some Heath, Common, Moor, or Waste Ground, or to some Village, Town, Hamlet, or Place to which the respective new Roads do not lead, and also all such Toll Houses and other Buildings and Conveniencies as shall become or be rendered useless to the said Trustees, or unnecessary for the Purposes of this Act, shall be vested in and shall and may be sold either by public Sale or private Contract, and conveyed by the said Trustees for the best Price that can or may be gotten for the same, and the Money arising by such Sale shall be applied to the repairing of the said Roads by this Act directed to be repaired, but the Purchaser or Purchasers of such respective Premises shall not be answerable for the Misapplication or Nonapplication of such Money; and all Conveyances of such Roads, Toll Houses, Buildings, and Conveniencies as shall be adjoining to Lands of Freehold Tenure, being executed by the said Trustees, and being inrolled with the Clerk of the Peace for the said County of *Westmorland*, shall be good and effectual in the Law to all Intents and Purposes; and all such Roads and Premises as shall be adjoining to Lands of Copyhold or Customary Tenure, being conveyed by the said Trustees by Surrender or other Conveyance, sanctioned by the Custom of the Manor of which such Lands shall be holden, shall be taken to be well and effectually conveyed to the Purchaser or respective Purchasers of such Roads and Premises.

Money agreed upon or assessed, how to be paid or tendered.

Former Roads and Toll Houses may be sold.

LXVI. And be it further enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, Trustees, Femes Covert, or other incapacitated Person or Persons, such Money shall, if the same amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the

Application of Compensation when amounting to 200*l*.

Privity

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

Application where the Compensation is under 200*l.* and shall exceed 20*l.*

LXVII. Provided always, and be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed 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 Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the 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 and Interest arising thereon, may be applied in manner hereinbefore directed, so far as the Case may be applicable, without obtaining
or

or being required to obtain the Direction or Approbation of the said Court of Chancery.

LXVIII. Provided also, and be it further enacted, That when such Money so agreed or assessed to be paid as hereinbefore mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where the Money is less than 20*l.*

LXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Tenements, or Hereditaments, to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed 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 or assessed as aforesaid, 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, or Hereditaments (describing them), subject to the Order, Controul, 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, and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money (mentioning and specifying for what and for whose Use the same is or are received), to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, or Persons entitled not being found.

LXX. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person or Persons 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

Persons in Possession presumptively entitled.

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

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

LXXI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said 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 Overplus Grounds.

First Offer to be made to the original Proprietor.

LXXII. And whereas by reason of the making or diverting of some Part or Parts of the said Roads, the Trustees may happen to be seised of some Piece or Pieces of Ground, over and above what are and shall be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Trustees to sell and dispose of such Pieces or Parcels of Ground, either together or in Parcels, and either by public Auction or private Contract, 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 Piece or Pieces of Ground as aforesaid, shall offer the same to the Person or Persons from whom the same shall have been purchased, or where the same shall arise by reason of diverting any Part or Parts of the said Roads, then to the Person or Persons whose Lands shall adjoin thereto (unless the said Trustees shall deem it more eligible to exchange one Piece of Ground for another); and in case 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 or on account of the Price thereof) to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Westmorland* (who are hereby respectively empowered to take such Affidavits), by some Person or Persons no ways interested in the said Piece or Pieces of Ground, stating that such Offer was made by and on

Behalf

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 the Manner in this Act directed with respect to the disputed Value of Premises to be purchased by the said Trustees in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and be paid in Manner 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 of such Pieces or Parcels of Ground, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money, and the Conveyances of such Piece or Pieces of Ground shall be made to the Purchaser or respective Purchasers thereof, and in such Manner and Form as is herein-before directed with respect to the Conveyances to be made of the Land constituting any Part of the Roads herein-before directed to be sold.

If the Parties do not agree Price to be determined by a Jury.

LXXIII. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Trustees, and all such Persons as he or they shall appoint, to search for, dig, get, gather, take and carry away any Materials for making or repairing the said Roads, out of any Common River or Brook, or out of or from any Waste or Common in any Parish, Hamlet or Place in which any Part of the said Roads lie, or in any adjoining Parish, Hamlet, or Place, and to haul and carry away any such Materials, when got, over any Common or Waste Lands, without paying any Thing for such Materials, and without being deemed a Trespasser or Trespassers, the said Surveyor or Surveyors, or other Person or Persons filling up the Pits or Quarries, levelling the Grounds, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same shall not be dangerous to any Persons or Cattle, and paying or tendering for the Damage done by going through and over any inclosed Lands or Grounds for or with such Materials, and such Damages to be ascertained as herein-after mentioned; and also, that it shall be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, to search for, dig, get, gather, take and carry away any such Materials in or out of the Land of any Person or Persons where the same may be had or found in any Parish, Hamlet, or Place in which any Part of the said Roads shall lie or be situate, or in any adjoining Parish, Hamlet or Place (not being a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any House, or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for such Materials, and for the Damage done to the Owners or Occupiers of the Lands where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as the said Trustees shall judge reasonable; and also to land on and carry through or over any inclosed Lands or Grounds, (not being a Garden, Orchard,

Power to get Materials.

Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House), or on, through, or over any Open Land or Common, any Stone or other Materials for making or repairing the said Roads, brought on any River, Stream, or Canal in any Parish, Hamlet or Place in which the said Roads lie, or in any adjoining Parish, Hamlet or Place, paying or tendering for the Damage done in landing on or going through or over any inclosed Lands or Grounds, for or with such Materials, such Sum or Sums of Money as the said Trustees shall judge reasonable; and in case of any Difference between such Trustees, Surveyors, or other Persons appointed or employed as aforesaid, and the Owners and Occupiers of such Lands or any of them, concerning such Payments and Damages as aforesaid, any Two or more Justices of the Peace for the County, Liberty or Place wherein the Place from whence such Materials shall have been taken shall be situate, on Ten Day's Notice thereof being given in Writing by either Party to the other, shall hear, settle, and determine the Matter of such Payments and Damages, and the Costs attending the hearing and determining the same.

Notice to be given before Materials taken from Private Lands.

LXXIV. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing the said Roads, out of or from any inclosed Land or Ground, until Notice in Writing signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last, or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting in and for the County, Liberty, or Place where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer), make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

Penalty on taking away Materials raised by Surveyors.

LXXV. And be it further enacted, That if any Person whomsoever shall take away any Materials which shall be dug, gotten, or gathered for the Repair or Use of the said Roads, or shall raise or carry away any Materials out of or otherwise interfere with or obstruct the working of any Pit which shall have been made or opened for the Purpose of getting Materials for making or repairing the said Roads, or any other the Purposes of this Act, before the said Surveyors or their Workmen shall have discontinued working therein for the Space of Six Weeks

Weeks (except the Owner or Occupier of the Land in which such Pit shall be made, as to Materials for his own private Use only, and not for or on Sale), every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

LXXVI. And be it further enacted, That no Door or Gate of or to any Building, Yard, Park, Paddock, Field, or Inclosure whatsoever, shall hereafter be made to open into or towards any Part of the said Roads, or the Footpaths belonging thereto, or be suffered to continue so to open, except the Hanging Post thereof shall be so far removed from the Centre of any such Part of the said Roads, so that no Part of such Door or Gate shall project over any Part of the said Roads, or any Footpath belonging thereto; and the Occupier or Occupiers of every such Building, Yard, Park, Paddock, Field, or Inclosure, having any Door or Gate opening outwards contrary to the Meaning of this Act, shall within Twenty-one Days after Notice to him, her, or them given, either personally or in Writing, from the Surveyor of the said Roads, cause such Door or Gate to be hung so that no Part of the Door or Gate when open shall project over any Part of the said Roads, or any Footpath belonging thereto; and in Default thereof the Surveyor of the said Roads is hereby authorized to cause the Door or Gate to be hung according to the Directions of this Act; and the Person or Persons guilty of such Neglect or Default shall, upon Complaint made to any Justice or Justices of the Peace acting in and for the County, Liberty, or Place where such Neglect shall happen, and upon Conviction upon the Oath of One credible Witness, pay to such Surveyor such Sum as the said Justice or Justices shall direct, to defray the Expence of making the Alteration and hanging such Doors or Gates, and shall also forfeit and pay a further Sum of Money not exceeding Forty Shillings, for his, her, or their Neglect therein, to be fixed by and at the Discretion of the Justice or Justices before whom such Conviction shall be made.

Doors and
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LXXVII. And be it further enacted, That it shall be lawful for the said Trustees, or their Surveyor or Surveyors, and such Person or Persons as they or he shall appoint, from Time to Time to remove and prevent all Annoyances by Timber, Stone, Carriages, Hovels, Lime, Mortar, Filth, Dung, Ashes, Rubbish, Straw, or other Things being laid on any Part of the said Roads, or upon Open, Common, or Waste Land, within Thirty Feet of the Centre thereof, and to dispose of the same for the Benefit of the said Roads, in case the Owners thereof shall neglect to remove the same for the Space of Three Days after Notice in Writing signed by the Surveyor of the said Roads, given to such Owners for that Purpose, or in case the Owners are not known, after a like Notice affixed for Seven Days on the nearest Turnpike Gate; and it shall and may be lawful to and for the said Trustees or their Surveyor, or such Person or Persons as he or they shall appoint from Time to Time, to turn any Watercourses, Sinks, or Drains running along, into, or out of the said Roads, to the Prejudice thereof, and to open, scour, cleanse, widen, or make deeper any Watercourse or Ditches adjoining or near thereto, and to make the same as deep and large as he or they shall

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think necessary, and at proper Seasons of the Year to cut down, or lop any Branches, Shrubs, or Bushes growing on or over the said Roads, or in the Hedges or Banks adjacent thereto respectively (not being a Garden, Orchard, Plantation, Walk, or Avenue to a House, or any Tree, being an Ornament or Shelter to a House), and to take and carry away the same, and to cut and reduce all such Hedges to the Height of Four Feet, in case the Owners or Occupiers of the Premises shall for the Space of Fourteen Days next after Notice in Writing given for that Purpose by such Surveyor or Surveyors, neglect to lop, cut down, or remove such Branches, Shrubs, or Bushes, or to cut and reduce such Hedges, or to open, scour, cleanse, widen, or deepen such Watercourses or Ditches, or remove such other Annoyances, in such manner as the said Trustees or their said Surveyor or Surveyors shall require; the Charges whereof to be settled by any Justice or Justices of the Peace of the County, Liberty, or Place where the same shall happen, shall be reimbursed to such Surveyor or Surveyors by such Owners or Occupiers, and be recovered and applied in such manner as the Penalties and Forfeitures imposed by this Act are herein-after directed to be recovered and applied; and if, after the Removal of any of the said Annoyances any Person shall again offend in like manner, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Surveyors to impound Cattle found straying on the Road.

LXXVIII. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind, shall at any Time be found wandering, straying, or lying in the said Roads, or by the Sides thereof, it shall and may be lawful to and for the Surveyor or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, in the Common Pound of the Hundred, Parish, Township, Tithing, or Place where the same shall be, or in such other Place as the said Trustees shall appoint, and the same there to detain until the Owner or Owners thereof shall, for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of One Shilling to the Person impounding the same, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalty, Charges, and Expences shall not be paid within Four Days next after such impounding, it shall and may be lawful to and for the said Trustees to sell, or cause to be sold, every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been, on Demand.

Punishment of Persons guilty of Pound Breach.

LXXIX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act; or shall release or attempt to release any Horse, Cow, Ass, Swine, or other Live Stock or Cattle, which shall be impounded under the Authority of this Act from the

Pound or Place where the same shall be so impounded; or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof; or any Lock, or Bolt belonging thereto, or with which the same shall be fastened; or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock, or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon the Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of the County or Division wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

LXXX. And be it further enacted, That the said Trustees shall cause Stones or Posts to be set up or placed in, or near the Sides of the said Roads at the Distance of One Mile from each other, denoting the Distance of any and every such Stone or Post from any Town or Place; and also such Direction Post at the several Roads leading out of the said Roads, or at any Crossings, Turnings, or Terminations thereof, with such Inscriptions thereon, denoting to what Place or Places the said Roads respectively lead, of such Height or Size, and to be erected in such Situations as they the said Trustees shall think proper; and if any Person or Persons shall wilfully break, cut down, pull up, or damage any such Posts or Stones, or shall obliterate, deface, spoil, or destroy all or any of the Letters, Figures, or Marks which shall be inscribed or painted thereon, and be thereof convicted before any Justice of the Peace for the County, Liberty, or Place where such Stones or Posts shall be so as aforesaid erected, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Milestones and Direction Posts to be erected.

Penalty on damaging them.

LXXXI. And be it further enacted, That if any Person or Persons shall ride upon any Footpath or Causeway, by the Side of the said Roads, made or set apart for the Use or Accommodation of Foot Passengers, or shall lead or drive any Horse, Ass, Mule, Swine, or Cattle, or Carriage of any Description, upon any such Footpath or Causeway, or shall cause any Injury or Damage to be done to the same, or the Hedges, Posts, Rails, or Fences thereof; or shall wilfully pull down or damage any Bridge, Wall, or any other Building or Erection made by the said Trustees under the Authority of this Act, or repaired or repairable by them, or shall haul or draw, or cause to be hauled or drawn upon any Part of the said Roads, any Timber, Stone, or other Thing otherwise than upon wheeled Carriages, or shall suffer any Timber, Stone, or other Thing which shall be carried principally or in Part upon wheeled Carriages, to drag or trail upon the said Roads to the Prejudice thereof; or shall in or upon the said Roads,

Penalty on Persons committing Nuisances.

Roads, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, seald, burn, dress, or cut up any Beast, Swine, Calf, Lamb or other Cattle; or shall have, make, or assist in making, any Fire or Fires, or shall set fire to, or wantonly let off or throw any Squib, Rocket, Serpent or Firework whatsoever, within Eighty Feet of the Centre of the said Roads; or bait or run for the Purpose of baiting any Bull, or play at Football, Tennis, Fives, Cricket, or any other Game or Games upon the said Roads, or on the Side or Sides thereof, or in any exposed Situation near thereto, to the Annoyance of any Passenger or Passengers; or if any Person shall leave any Waggon, Wain, or Cart (except in case of Accident) upon the said Roads or on the Side or Sides thereof, without any proper Person in the sole Custody or Care thereof, longer than may be necessary to load or unload the same, or shall not place the same during the Time of loading or unloading the same, or of taking Refreshment, as near to one Side of the Roads as conveniently may be, either with or without any Horse or Beast of Draught harnessed or yoked thereto; or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon the said Roads or on the Side or Sides thereof, or the Footpaths or Causeways adjoining, to the Prejudice of such Roads or Footways, or to the Prejudice, Annoyance, Interruption, or personal Danger of any Person or Persons travelling thereon; or shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever, to run or flow into or upon the said Roads or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if the Surveyor of the said Roads, or any Undertaker or Contractor for the Repairs thereof, or any Person acting by or under his or their Authority, shall lay or cause to be laid upon the said Roads or the Sides thereof any Heap of Stones or other Materials for the Repair thereof, or of any Part thereof, and shall permit or suffer the same to remain longer than shall be necessary for spreading or laying such Stones or Materials over or upon the said Roads; or if any Person driving any Pigs or Swine upon the said Roads shall suffer such Pigs or Swine to root up or damage the said Roads or the Fences, Hedges, Banks, or Copse on either Side thereof respectively; or if any Person shall, after having blocked or stopped any Cart, Waggon, or other Carriage in going up a Hill or rising Ground, cause or suffer to be or remain on the said Roads the Stone or other Thing with which such Cart or other Carriage shall have been blocked or stopped; or if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage, used for the carrying of Goods and Merchandize, shall ride on the Shafts or any other Part of such Waggon, Cart, Dray, Sledge, or other Carriage, or on any of the Horses drawing the same, upon the said Roads, without having some proper Person immediately on the Side of and attending to guide such Horses or Beasts of Draught thereof; and if any such Person meeting another Coach, Chaise, Waggon, Cart or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the said Roads; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Coach, Chaise Waggon, Cart, or other Carriage under his or her Care, upon the said Roads; or if any Blacksmith or other Person occupying a Blacksmith's Shop, having Doors or Windows to the Front of the said Roads, shall not, by good and close Shutters,

Shutters every Evening after it becomes Twilight, and every Morning until after Twilight, bar and prevent the Light from shining into the said Roads; or if any Person driving any Horse or other Beast on the said Roads, carrying Iron in Bars or Rods, Basket or Pannier, or any other Matter or Thing, shall place such Bars or Rods, Basket or Pannier, Matter or Thing, so that the same shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Roads; or if any Hawker, Higler, Gipsy, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent or encamp upon or by the Sides of any Part of the said Roads, every Person offending in any of the Cases aforesaid, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above such Damages occasioned thereby.

LXXXII. And whereas great Inconveniencies have arisen and may arise from erecting Dwelling Houses and other Buildings, and making Hedges, Ditches, and other Fences too near the said Roads; for Remedy whereof, 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 Roads (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, or at any Meeting to be held for that or any other Purpose, 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 said County of *Westmorland*, 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 Encroachments on the Sides of the Roads, &c.

LXXXIII. And be it further enacted, That it shall be lawful for the said Trustees, or for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees), to make and repair, or cause to be made and kept in Repair, any Causeway or Causeways for the Use of Foot Passengers along any Part or Parts of the said Roads, in such Manner as they shall see convenient; and also Ditches or Drains in and upon the said Roads; and also through any Ground lying contiguous thereto; and also to erect, build, and keep in Repair Bridges and Arches upon the said Roads, or across any such Ditches or Drains where necessary; and also to make or cause to be made a Road through the Grounds adjoining to any ruinous or narrow Part of the said Roads (such Grounds respectively not being the Site of or Ground whereon any House or Houses stand, not being a Yard, Garden, Orchard, Park, Paddock, planted Walk or Avenue to any House, or inclosed Ground planted and set apart as a Nursery for

Power to make Causeways and Drains.

Trees), to be made use of by all Passengers, Cattle, and Carriages, as a public Highway, whilst such ruinous or narrow Part of the said Roads is repairing or widening, and until it shall be convenient for Passengers or Carriages to pass along the same, making such Recompence to the Owners and Occupiers of such private Grounds respectively for the Damage they shall or may thereby sustain, as shall be adjudged reasonable by the said Trustees, but that no Satisfaction shall be made for doing or performing any of the Works aforesaid, upon or through any Heath, Moor, Common, or Waste Grounds; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, that then it shall be lawful for any Two Justices of the Peace acting in and for the County, Liberty, or Place wherein such Grounds shall be situate, on Fourteen Days Notice in Writing being given by either Party to the other, to settle, adjudge, and finally determine what Recompence shall be made to such Owners and Occupiers for the Damages they shall have sustained as aforesaid, which Determination shall be final and conclusive to all Parties, but no Satisfaction shall be made for so doing or performing any of the Works aforesaid upon or through any Heath, Moor, Common, or Waste Lands.

Trustees may contract for making or repairing the Road, &c.

LXXXIV. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall or may, and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, or repairing the said Roads, or any Part thereof, or for erecting Mile or Direction Stones, Posts, or Guide Posts thereon, or for doing any other Work to be performed in the Execution of this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen or any other Person or Persons relating to any Matter or Thing to be done by virtue of this Act, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors and Administrators; and that Actions and Suits shall and may be maintained thereon by the said Trustees, or by their Clerk or Clerks, Treasurer or Treasurers, and in his and their Name or Names respectively, and Damages and Costs recovered against the Party or Parties, or Person or Persons failing in the Performance of such Contracts or Agreements respectively, and such Sum or Sums of Money as shall or may be requisite for repairing the said Roads, or any other Matter or Thing to be done by virtue of this Act, and which by such Contracts or Agreements respectively the Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action or Suit against such Party or Parties, or Person or Persons so as aforesaid making Default in fulfilling his, her, or their Contract or Agreement; any Law or Usage to the contrary in anywise notwithstanding.

Penalty on obstructing Collectors, Surveyors, &c.

LXXXV. And be it further enacted, That if any Person or Persons shall assault, interrupt, or hinder, or cause or promote to be assaulted, interrupted, or hindered, any Collector of the Tolls when employed either in taking the Measure or Gauge of any Wheel or Wheels, or otherwise employed in the Execution of this Act, while doing or performing any Work or Thing authorized to be done or performed by virtue of this Act, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXXVI. 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 or maintaining any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, by reason of the Tenure of any Lands, Tenements, or Hereditaments, or otherwise, shall still remain liable and chargeable to the Repair thereof in such Manner as they were before the passing of this Act, (subject nevertheless to the Regulations herein-after expressed concerning the same); and that all and every Person and Persons who by Law are obliged to do Statute Work, or are chargeable or liable to or towards the repairing or amending of any Highways in the several Parishes, Townships, Hamlets, Districts, or Places through which the said Roads shall pass, shall be liable to the Repair of the said Roads, and to perform their respective Works thereon, in such and the like Manner, in every respect, as they are liable to the Repair of any other Common Highway within such Parish, Township, Hamlet, District, or Place respectively.

Persons now liable to repair the Roads to continue so.

LXXXVII. Provided always, and be it further enacted, That all Persons who are liable by Law to do Statute Work on any Part of the Roads within the Parishes, Townships, or Places through which the said Roads, or any Part thereof pass, or may hereafter pass, shall be liable to do the same on the said Roads; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County of *Westmorland*, 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 Roads, by the Inhabitants of the respective Parishes, Townships, or Places in which the said Roads lie, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees, or to 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, Township or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons), of the Names of the several Persons who within such Parish, 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 and 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, as is or may be directed by any Statute in force and effect, or hereafter to be made, for the Repairs of the public Highways, and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and in such Parts of the said Roads as the said Trustees or their Surveyors or Surveyor shall from Time to Time order, direct, or appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the

For regulating Statute Labour.

Payment

Payment of any Money in lieu of or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as they the said Justices shall direct; and in Default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by this Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them, at his, her, or their last or usual Place or Places of Abode for that Purpose, by any Surveyor to the said Trustees, shall, for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures, as such Person and Persons may be subject and liable to by any Law or Statute in force and effect, or hereafter to be made for the Repair of the public Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor or Surveyors to the said Trustees, such Surveyor or Surveyors is and are hereby empowered to remove and turn off the Person or Persons who shall be found idle or 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 as aforesaid, as if such Team or Draught had not been sent to work on any Part of the said Roads, all which Forfeitures shall be paid to the Treasurer to the said Trustees, and applied towards amending the said Roads; and in case the Surveyor or Surveyors of the Highways for any of the said Parishes, Townships or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor or Surveyors so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

Trustees
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pound for
Statute
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LXXXVIII. And be it further enacted, That it shall be lawful 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 him, her, or them done on the said Roads, and also with the Surveyor or Surveyors of the Highways for any of the Parishes, Hamlets, or Places in which the said Roads do or shall lie and be situate, for a certain Sum of Money by the Year or otherwise, as the said Trustees shall think reasonable, in lieu of the Whole or any Part of the Statute Work or other Work to be by all or any of the said Inhabitants and Occupiers done on the said Roads; which Composition Money shall always be paid by the Surveyor or Surveyors of the Highways, or other Officer of the Parish, Hamlet, or Place, or by the Person or Persons so compounding, to the Treasurer of the Trustees in advance, on or before the Tenth Day of *October* in each and every Year, or otherwise such Person or Persons, Bodies Politic or Corporate, or Inhabitants and Occupiers within such Parish, Hamlet, or Place, shall not be permitted to compound for that Year, and all such Composition Money shall be applied for the Purposes of this Act; and that every such Surveyor of the Highways who shall pay any such Composition Money shall be reimbursed the same, in like Manner as Surveyors of the Highways are by the Laws in being to be reimbursed the Money by them laid out and expended

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in buying Materials for the repairing of any other Highway or Highways.

LXXXIX. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority; and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices from the Clerk to the said Trustees, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand, to the said Trustees, or their Treasurer for the Time being, as the Case may be.

In case of Nonpayment of Compensation for Materials, Damages, or Injury done by the said Trustees; &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

XC. And be it further enacted, That all Penalties, Forfeitures, and Fines by this Act inflicted or authorized to be imposed (the Manner of levying, recovering, and applying whereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any Justice of the Peace for the County, Liberty, or Place where the Offence shall have been committed (as the Case may require), either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justice is in every such Case hereby fully authorized to administer), be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant), and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security to the Satisfaction of

Recovery of Penalties and Forfeitures.

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such

such Justice for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Liberty, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, when paid or levied, if not otherwise directed to be applied by this Act, shall be from Time to Time paid to the Treasurer or Treasurers to the said Trustees, and applied and disposed of for the Purposes of the said Roads and of this Act.

If Penalties, &c. cannot be levied, the Offenders to be committed for any Time not exceeding Three Calendar Months.

Application of them.

For securing transient Offenders.

XCI. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors, Lessees, or Farmers of Tolls, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance (and which all By-standers and other Persons, on Demand, are hereby required to give), without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, Lessees, Farmers, Surveyors, or other Officers), who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County, Liberty, or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Conviction.

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

Form of Conviction.

Westmorland, } BE it remembered, That on the Day of
 to wit. } in the Year of our Lord A.B.
 is convicted before of His Majesty's Justices of the
 Peace for the said County of *Westmorland*, on his [or, her] own Con-
 fession [or, on the Oath of], a credible Witness, or, on
 the Oaths of and , Two credible Witnesses [*as the*
Case may be], of [*here specify the Offence, and the Time and Place when*
and where committed], contrary to an Act passed in the Third Year of the
 Reign of His Majesty King George the Fourth, intituled [*here insert the*
Title of this Act, or so much thereof as may be necessary]; and I the said
 Justice [or, we the said Justices] do adjudge the said
 to have incurred the Penalty of , to be paid, recovered,
 and applied in manner directed by the said Act. Given under [our
 8 Hands

‘ Hands and Seals, or, my Hand and Seal] the Day and Year first aforesaid.’

XCIII. And be it further enacted, That no Order or Proceeding of the said Trustees, or of their Clerk, Treasurer, or Surveyors, or of any Justice or Justices of the Peace, to be made concerning any of the Matters in this Act contained, either on the Conviction or Convictions of any Offender or Offenders by virtue hereof, or otherwise shall be quashed, set aside, or vacated for Want of Form only, but the same shall be amended, if necessary, on any Appeal, and be proceeded upon on the Merits thereof, nor shall the same be removed or removable by Certiorari or otherwise, into any of His Majesty's Courts of Record at *Westminster*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect, Omission, or Want of Form in the Summons, Conviction, Warrant of Distress, or any other Proceeding relating thereto; and if any Irregularity shall afterwards be committed by any Person or Persons distraining, he, she, or they shall not, on that Account, be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage sustained thereby in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends shall be made, by or on Behalf of the Party distraining before such Action shall be brought.

Proceedings not to be quashed for Want of Form, or removed.

XCIV. 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, and for which no particular Method or Relief hath been already appointed, such Person or Persons may, within Six Calendar Months next after such Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the County, Liberty, or Place in which the Cause of Complaint shall arise (as the Case may be), unless such Complaint shall arise within Thirty Days preceding such Sessions, in which Case such Appeal may be brought at the following Sessions after such Cause shall arise, such Appellant or Appellants first giving or causing to be given, Twenty-one Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Respondent or Respondents, and to the Clerk or Clerks of the said Trustees, and within Ten Days after such Notice entering into a sufficient Recognizance before some Justice of the County, Liberty, or Place (as the Case may be), with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, by Order of such Sessions, mitigate at their Discretion, any Fine, Penalty, or Forfeiture, and may also order such further

Persons aggrieved may appeal to the Quarter Sessions.

ther Satisfaction to be made to the Party or Parties so injured as they shall judge reasonable, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify or confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and the Determination of such Quarter Sessions shall be final, binding, and conclusive to all Intents and Purposes; and the said Justices may also at such Sessions, by their Order or Warrant, levy such Costs so awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to pay the same, and for want of sufficient Distress may commit such Person or Persons to the Common Gaol or House of Correction within the County, Liberty, or Place (as the Case may be), wherein the Offence shall be committed, for any Time not exceeding the Term of Six Calendar Months, or until Payment of such Costs.

Limitation of
Actions.

XCV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done or pretended to be done in pursuance of this Act, until after Twenty-eight Days Notice shall be given to the Clerk or Clerks to the said Trustees, nor after a sufficient Satisfaction, or a Tender thereof, made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every such Action shall be laid and tried in the County in which the same shall be committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, shall and may plead 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 it shall appear that the same was so done, or that such Action or Suit was brought before Twenty-eight Days Notice thereof had been given as aforesaid, or after a sufficient Satisfaction, or a Tender thereof, had been made as aforesaid, or after the Time limited for bringing the same as aforesaid, or if such Action shall be brought in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in any Course of Law.

General
Issue.

Treble Costs.

Public Act.

XCVI. 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.

Commence-
ment and
Term of this
Act.

XCVII. And be it further enacted, That this Act shall commence upon the First *Tuesday* next after the passing thereof, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.