



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.



Cap. 14.

An Act for altering and enlarging the Powers of so much of an Act of his late Majesty, for making a Road for the Passage of Troops and Carriages, from the City of *Carlisle* to the Town of *Newcastle upon Tyne*, as relates to the County of *Cumberland*.

[4th April 1811.]

WHEREAS by an Act passed in the Twenty-fourth Year of the Reign of his late Majesty King *George the Second*, intituled, *An Act for laying out, making, and keeping in Repair a Road, proper for the Passage of Troops and Carriages, from the City of Carlisle to the Town of Newcastle upon Tyne*, a certain Sum of Public Money was granted for making the said Road, and certain Tolls were authorized to be collected for keeping the same in Repair: And whereas such Part of the said Road as lies within the County of *Cumberland*, was put under the Care and Management of separate Trustees, and distinct Tolls were appropriated for keeping the same in Repair; and other Trustees were appointed for the Care and Management of that Part of the said Road which lies in the County of *Northumberland*, with Powers for collecting certain Tolls thereon: And whereas the Trustees for executing the said Act, so far as relates to that Part of the said Road which lies within the County of *Cumberland*, have made great Progress in executing the Trust reposed in them,

[Loc. & Per.]

3. K.

Additional
Trustees,

them, and have duly applied the Monies granted and collected upon such Part of the said Road; but that such Tolls have been found insufficient for keeping the same in proper Repair, and it is therefore necessary that the present Tolls, so far as relates to that Part of the said Road which lies in the County of *Cumberland*, should be increased; and that the Powers of the said Act, with respect to such Part of the said Road, should be altered and enlarged; yet the same cannot be done without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, *Henry Aglionby Aglionby, Samuel Atkinson, Thomas Atkinson, John Atkinson, Sir Wastell Brisco Baronet, George Blamire, Suttle House, Thomas Blamire, M. D. George Blamire Junior, Edward Blamire, Suttle House, Edward Joseph Birkett, John Christian Curwen, Henry Curwen, Lowry Calvert, John Connell, Joseph Dacre, William Dobinson, John Ewart, Sir Henry Fletcher Baronet, Henry Fawcett, Rowland Fawcett, Walter Fletcher Clerk, George Ferguson, Richard Ferguson, James Forster, John Forster, John Forster Junior, John Forster Newtown, Sir James Graham Netherby Baronet, Sir James Graham, Edmond Castle, Baronet, Brown Grisdale, D. D. John Grisdale, Fergus Graham Clerk, James Graham Netherby, Thomas Graham, Thomas Graham Junior, (both of Edmond Castle,) James Graham of Richardby, John Graham, John Graham Junior, (both of Lowe House,) William Graham, Edmond Castle, Sandford Graham, John Gill, Henry Howard, Edward Hasell, John Heysham, M. D. Thomas Coulthard Heysham, James Hair Clerk, Richard Hodgson, William Hodgson, Houghton House, Robert Harrington, M. D. Thomas Irwin, William Pensonby Johnston, David Kennedy, the Right Honourable Viscount Lowther, Honourable Henry Cecil Lowther, John Lowther, William Lowther, D. D. James Lowther, John Loss, Thomas Loss, Joseph Liddell, Thomas Lowry Clerk, John Lowry, Richard Lowry, Durras Hill, Richard Lowry, Stanwix, Thomas Lawson, Isell Hall, Thomas Lawson, Kerkhouse, Right Honourable Viscount Marpeth, Sir Philip Musgrave Baronet, George Stephenson Mounsey, Robert Mounsey, Robert Milbourn, Armaghwaite Castle, John Norman Banker, John Norman, Thomas Ramshay, Thomas Ramshay Clerk, Philips, Crosby, James Clerk, Satterthwaite, Salkeld, Joseph Stoddart, Francis Stoddart, John Thomlinson, John Thompson, George Tinneswood, Sir Frederick Fletcher Vane, Baronet, Robert Warwick, the Right Honourable Thomas Wallace, Thomas Walsen, Robert Watye, John Orfeur Yates, Francis Yates, and their Successors, (being qualified according to the Directions of the said recited Act), shall be added to and joined with the Trustees appointed by an in pursuance of the said recited Act, for putting the said recited Act and its Authority into Execution, so far as relates to that Part of the said Road which lies in the County of *Cumberland*; and shall have the like Power for that Purpose, as if they had been named and appointed Trustees in or by virtue of the said recited Act.*

For discontinuing the present Tolls, and granting new ones.

II. And be it further enacted, That the several Tolls and Duties in and by the said recited Act authorized to be demanded and taken at each and every of the Toll-gates erected under the Authority of the said Act; so far as relates to that Part of the said Road which lies in the County of *Cumberland*, shall from and after the passing of this Act cease and be no longer payable; and that instead thereof the following Tolls shall be demanded

manded and taken at each of the Two Gates now erected upon the said Road, or at any other Gate or Gates which may hereafter be erected in lieu thereof, not exceeding Two Tolls upon the Whole of the said Road, before any Cattle or Carriage shall be permitted to pass through the same; (that is to say),

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of Two Shillings:

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse or Calash, drawn by Four Horses, Mares, Geldings, Mules, or other Cattle, the Sum of One Shilling and Sixpence:

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse or Calash, drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Eight-pence:

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

For every Waggon or Carriage with Four Wheels, not herein-before mentioned and described, and drawn by Four Horses or Mules, and for every Wain, Cart or other Carriage, not herein-before mentioned and described, which shall be drawn by Three Horses or Mules, or by Two Horses or Mules, and One Pair of Oxen, or other Neat Cattle, the Sum of Nine-pence; and for every such Carriage drawn by Two Horses or Mules, or by One Horse or Mule, and One Pair of Oxen, or other Neat Cattle, or by Two Pair of Oxen or other Neat Cattle, the Sum of Sixpence; and for every such Carriage drawn by One Horse or Mule, or by One Pair of Oxen or other Neat Cattle, the Sum of Three-pence, except such Carts or Carriages as shall be laden with Lime or Coal, and for each such Carts and Carriages so laden, the Sum of Two-pence Halfpenny:

For every Horse, Mare, Gelding, Mule, Ass, or Beast of Burden, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

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

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

III. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to erect or cause to be erected One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses on the Side or Sides of the said Road, and across any Lane or Way leading out of the same, and there to receive and take such Tolls as are by this Act granted and made payable; so as the same do not extend to a Double Charge in case of passing through any of the Turnpikes erected or which shall be erected by virtue of this Act.

Trustees may erect Turnpikes on the Side of the Road, and take Tolls thereat.

IV. And be it further enacted, That the said respective Sums of Money shall be demanded and taken in the Name of or as a Toll, and shall be and are hereby vested in the said Trustees, and shall be applied to the Purposes of the said recited Act and this Act, so far as relates to that Part of the said Road which lies within the County of *Cumberland*; and if any Person subject 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,

Manner of Recovery of Tolls.

thereof, it shall and may be lawful for the Person or Persons authorized and appointed by the said Trustees, or any Five or more of them, to enforce the Payment of such Tolls by himself or themselves, or taking such Assistance as he or they shall think necessary, and to seize or distrain any Horse, Beast or other Cattle, upon which any such Toll is by this Act imposed, together with their Saddles, Gears, Harness or Accoutrements, (except the Bridle or Reins of any such Horse or other Beast, separate from such Horse or other Beast,) or any Carriage, in respect of the Horses or Beasts drawing, on which Carriage such Toll is by this Act imposed; and if such Toll, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining may sell the Horses, Beasts, Cattle, Carriage, or Things 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.

Power for
Trustees to
vary Tolls.

V. And be it further enacted, That the said Trustees, or any Seven or more of them, at any Meeting to be holden for that Purpose, whereof at least Twenty Days Notice shall be given in Writing, affixed upon all the Toll-gates erected upon that Part of the said Road, and inserted in some One Newspaper published or circulated in the County of *Cumberland*, may and they are hereby authorized and empowered from Time to Time, in case it shall appear requisite and expedient, to lessen and reduce and again to raise and advance the Tolls hereby authorized to be taken, or any Part or Parts thereof, and to order the same to be taken in such Manner, Parts, and Proportions as they, or any Nine or more of them, shall think fit; so that the respective Tolls so varied never exceed the Tolls by this Act authorized to be taken; and such Tolls so varied and every of them shall be collected, recovered, and applied in the same Manner as the Tolls hereby authorized to be taken are directed to be collected, recovered and applied.

Exemptions
from Tolls.

VI. And be it further enacted, That no Toll shall be demanded or taken for any Horse, Cattle, Beast, or Carriage employed in carrying or conveying, or going to carry or convey, or returning from carrying or conveying, having been employed only in carrying or conveying on the same Day any Stones, Bricks, Timber, Wood, Gravel, or other Materials for repairing of the said Road, or any of the Roads in the Townships, or Parishes in which any Part of the said Road lies; or any Hay, Turnips, Straw, or Corn in Straw only, not sold or disposed of, but passing to be laid up or placed in the Barns, Out-houses, or Yards of the Owner or Owners thereof; or for any Horse, Cattle, or Beast employed in carrying or conveying, or going empty to carry or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, Corn for seeding the Ground, or any Mould, Dung, Compost, or Manure employed in Husbandry for manuring or improving Lands, or for any other Thing employed in the Management of any Farm or Lands, (Chalk, Chalk Marl, and Lime excepted), nor for any Horses or Cattle going to or returning from Pasture or Watering-places, or going to be or returning from being shod or farried; or from any Person going to

or

or returning from his or her proper Parochial Church, Chapel, or other Place of Religious Worship authorized by Law on a *Sunday*, or upon any other Day on which Divine Service is ordered by Authority to be celebrated, or attending the Funeral of any Person that shall die and be buried in any of the said Townships or Parishes, or from any Clergyman going to or returning from visiting any sick Person, or going to or returning from his Parochial or Ministerial Duty on a *Sunday* or on any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horse, Cattle, or Carriage of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General; either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying the same; or for any Horse, Cattle, or Beast attending any Soldiers upon their March or on Duty, or drawing any Carriage attending them with their Arms or Baggage; 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 publick Stores of or belonging to His Majesty, or for the Use of His Majesty's Forces; or for any Horse, Cattle, or Beast employed in the Conveyance of Vagrants sent by legal Passes, or returning therefrom; or for any Horse, Cattle, or Beast carrying or conveying any Person or Persons going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Cumberland*, on the Day or Days of such Election, or on the Day before or the Day after such Election shall begin or be concluded; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of Exercise, provided that such Persons shall be dressed in the Uniform of their respective Corps, and have their Arms, Furniture, and Accoutrements according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption as aforesaid; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim and take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit for every such Offence the Sum of Forty Shillings, one Moiety whereof shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act.

VII. 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 publick 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 of being drawn by any Number of Horses or Oxen, but it shall be lawful for any Owner or Driver of any such Waggon, Wain, Cart or other Carriage, to put any Number of Horses or Oxen to such Waggon, Wain, Cart or other Carriage, any Thing in any Act or Acts of Parliament relating to Highways or Turnpike Roads, or in this or the said recited Act contained, to the contrary notwithstanding.

[*Loc. & Per.*]

3L

VIII. And

Owners or Drivers of Waggons employed in His Majesty's Service not to be subject to Penalties for Overweight.

Application
of Compen-
sation Money
when
amounting
to 200l.

VIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Act or this Act, for the Purposes thereof, so far as relates to that Part of the said Road which lies in the County of *Cumberland*, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Dilability or Incapacity, as in the said recited Act particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing the said recited Act or this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who wou'd have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, and Hereditaments, or affecting other Lands, Tenements, and Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereunto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, by the said recited Act or this Act directed to be purchased, in Case such Purchase or Settlement were made.

Application
when the
Compen-
sation Money
is less than
200l. and
more than
20l.

IX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments: purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements or Hereditaments so purchased, taken or used, or of his,
her,

her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the said Trustees for executing the said recited Act and this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

X. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then 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 the said Acts and this Act, in such Manner as the said Trustees, or any Seven or more of them, shall think fit; and 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 when the Money is less than 20l.

XI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Act or this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the 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 of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding, or otherwise as to the said 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

In case of not making out Title.

shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles..

XII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of the said recited Act or this Act, for the Purchase of any Lands, Tenements or Hereditaments, or of any Estate, Right or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of the said recited Act or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

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

Respecting
Statute Work.

XIV. Provided always, and be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, within the County of *Cumberland*, shall still remain liable thereto in like Manner as heretofore; and it shall and may be lawful to and for any Two or more Justices of the Peace for the said County, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor, by their

their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes or Places in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him, her, or them paid to the said Trustees or to their Treasurer; and in order thereunto it shall and may be lawful to and for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons, (within Five Days after the serving of such Summons,) of the Names of the several Persons who within such Parish or Place are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts, or otherwise, and also the Amount of the respective Sums to be paid; which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the Publick Highways; and out of such Lists such 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 Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road as the said Trustees or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Persons who by such Lists shall appear to be subject and liable to the Payment of any Money in lieu of, or as a Composition for Statute Work as aforesaid, to pay such Proportion thereof as the said Justices shall think proper, to the said Trustees or their Treasurer, at such Time or Times as the said Justices shall direct; and in Default of Payment thereof the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalty is by the said recited Act authorized or directed to be recovered; and each and every Person who shall neglect or refuse to do such Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them at his, her, or their last or usual Place or Places of Abode for that Purpose, signed by the Surveyor or Surveyors 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 or Persons may be subject or liable to by any Law or Statute in Force and Effect for the Repair of the publick Highways; and if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused to come, or such Team and Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to

[Loc. & Per.]

3 M

the

the Treasurer to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes or Places shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Trustees may compound for Statute Work.

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

For paying the Expences of the Act.

XVI. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for the same from the passing thereof, shall be paid out of any Money now remaining in the Hands of the Treasurer to the said Trustees, or out of the first Money to arise by virtue of the said recited Act and this Act, so far as relates to the Road within the County of *Cumberland*, in preference to all other Payments whatsoever.

Publick Act.

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