



ANNO QUADRAGESIMO SEXTO

# GEORGII III. REGIS.

\*\*\*\*\*

## Cap. 53.

An Act for amending and keeping in Repair the Road leading from the Guide Post at the Top of *Stanwix Bank*, near the City of *Carlisle*, to *Westlinton Bridge*, in the County of *Cumberland*.

[23d May 1806.]

WHEREAS the Road leading from the Guide Post at the Top of *Stanwix Bank*, near the City of *Carlisle*, through the several Villages of *Stanwin*, *Kingmoor*, *Blackford*, and *Westlinton*, to the Bridge over the River *Line* called *Westlinton Bridge*, in the County of *Cumberland*, is very much out of Repair, narrow, and incommodious for Travellers, and some Parts thereof are in so ruinous a Condition as to be unsafe for the Passage of Cattle and Carriages; and the said Road cannot be sufficiently amended, widened, altered, and kept in Repair, by the ordinary Course of Law; 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 the Members of Parliament for the County of *Cumberland* for the Time being, the Members of Parliament for the City of *Carlisle* for the Time being, the Mayor, Recorder, and Aldermen of the City of *Carlisle* for the Time being, the Dean and Chapter of the City of

[Loc. & Per.]

12 N

*Carlisle*

Trustees.



*Carlisle* for the Time being, *Samuel Atkinson, Thomas Atkinson, Sir Wasdale Brisco Baronet, Wilson Braddyle, Thomas Benson, George Blamire, Thomas Blamire M. D. Edward Joseph Birkett, John Beck, John Brown Clerk, John Christian Curwen, William Dacre, William Dobinson, Sir Henry Fletcher Baronet, James Forster, John Forster of Newtown, John Forster of Carlisle, Rowland Fawcett, Richard Ferguson, George Ferguson, Robert Ferguson, John Farrar Clerk, James Fairbairn, Joseph Felton, Sir James Graham Baronet, James Graham of Edmond Castle, James Graham of Barrock Lodge, Thomas Graham, John Graham, Richard Graham, Fergus Graham, LL. D., Brown Grisdale D. D., David Graham, Charles Graham, William Richard Giles, Sir Richard Hodgson Knight, Henry Howard, Joseph Hodgson, William Hodgson junior, John Heysham M. D. John Holliday, John Hodgson junior, Thomas Coultbald Heysham, Thomas Irwin, William John Johnson, Sir Michael Le Fleming, Sir Wilfred Lawson, Baronets, Colonel James Lowther, William Lowther D. D. John Losh, Samuel Lacey, Thomas Lowry Clerk, Richard Lowry of Devinhill, Richard Lowry of Carlisle, John Lowry, Thomas Losh, James Liddell, Thomas Latimer, Humble Lamb, the Right Honourable George Howard commonly called Lord Viscount Morpeth, Sir John Chardin Musgrave Baronet William Henry Milbourne, George Stephenson Mounsey, Robert Mounsey, John Mitchinson, John Maxwell, James Mulcaster, Thomas Pattinson, Thomas Pattinson Clerk, Thomas Ramshay, William Richardson, Thomas Ramshay A. B., Sir Joseph Senhouse Knight, James Clark Satterthwaite, James Satterthwaite, Humphrey Senhouse, Rowland Stephenson, George Edward Stanley, the Most Honourable William Henry Cavendish Bentinck commonly called Marquis of Titchfield, John Thomlinson, Sir Frederick Fletcher Vane Baronet, the Right Honourable Thomas Wallace, Robert Warwick, and John Orfeur Yates, shall be and are hereby appointed Trustees for putting this Act in Execution; and that when and as often as any Trustee hereby appointed, or to be elected in Manner herein-after mentioned, shall die, or refuse, in Writing, to act as a Trustee, it shall be lawful for the other Trustees for the Time being, or any Nine or more of them, from Time to Time to elect, and by Writing under their Hands to appoint one other Person, qualified as herein-after mentioned, to be a Trustee in the Room of each Person so dying or refusing to act: Provided always, that Twenty-one Days Notice at the least of the Time and Place of every such Election shall be affixed upon the Turnpike or Toll Gate which shall be then standing upon the said Road, and be advertised in some Newspaper, printed and published at *Carlisle* or *Whitehaven*, in the County of *Cumberland*, or at the Town and County of *Newcastle-upon-Tyne*; and every Person who shall hereafter be chosen a Trustee in pursuance of the Directions of this Act, shall be and is hereby empowered to act in conjunction with the other Trustees for the Time being, in the Execution of the Trusts and Powers of this Act, in the same Manner, to all Intents and Purposes, as if he had been hereby named and appointed a Trustee.*

Power to  
elect new  
Trustees.

Qualifica-  
tions of Trus-  
tees.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession or in the Receipt and Enjoyment of the Rents and Profits of Messuages, Lands, Tenements, or other Hereditaments, of Freehold, Customary, or Copyhold Tenure, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir apparent of some Person having an Estate of



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

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

Trustees,  
who are also  
Justices of  
the Peace,  
may act as  
such.

IV. And be it further enacted, That the said Trustees, or any Five or more of them, shall meet together at the Town Hall of the City of *Carlisle*, on the Eighteenth Day of *July* One thousand eight hundred and six, or as soon after as conveniently may be, for the Purpose of carrying this Act into Execution, and shall then and from Time to Time afterwards adjourn such their Meeting and Meetings to such Day or Days, Place or Places respectively as they shall deem expedient and proper for the Purposes of this Act, subject nevertheless to the Limitation of Time between each of such Meetings, and to the other Rules and Regulations for holding the same, as herein-after expressed; and if there shall at any Time be fewer than Five Trustees present at any Meeting, they shall not proceed to Business, but such Trustees, if more than Two, shall adjourn the Meeting to such Time and Place as they may deem proper within the Intent and Meaning of this Act; but if there shall be only one Trustee present, then such one Trustee, or the Clerk of the Trustees for the Time being, if no Trustee shall attend, shall, in every such Case as last-mentioned, cause Ten Days Notice in Writing to be affixed on the Turnpike Gate then erected on the said Road, or if no Turnpike shall be then erected, shall cause the like Notice to be affixed upon the Door of the Town Hall of the City of *Carlisle*, requiring the Trustees to meet at such Place where the preceding Meeting was appointed to have been held, at any Time not exceeding Thirty Days next after the Day for which such last Meeting was appointed; and in case it shall ever happen that no Adjournment shall be made at any Meeting of Trustees as aforesaid, or if any Adjournment shall be made to any longer Period than is allowed by this Act, or in case a single Trustee, or the Clerk

Meetings of  
Trustees.

aforesaid,



aforesaid, shall in the Events last herein-before mentioned neglect to affix such Notice for a future Meeting as aforesaid, then and in any of the aforesaid Cases, and as often as the same shall happen, it shall be lawful for any Five of the Trustees, though not assembled at a Meeting in pursuance of this Act, to cause Notice in Writing to be affixed upon the Turnpike Gate then erected on the said Road; and if no Turnpike shall be then erected, to cause the like Notice to be affixed upon the Door of the Town Hall of the City of *Carlisle*, at least Ten Days and not exceeding Twenty-one Days before any intended Meeting, appointing the Trustees to meet at such Time and at such Place as they the said Five Trustees shall think convenient; and the Trustees, when met in pursuance of every or any such Notice or Appointment as before mentioned, shall and may proceed to carry this Act into Execution.

Meetings to  
to be ad-  
joined for  
more than  
Eight Weeks.

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

Proceedings  
to be entered  
in a Book.

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

Power to  
appoint  
Officers.

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



for the Appointment of another in his Stead, as shall seem adviseable; any Thing herein-before contained to the contrary notwithstanding.

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

Officers to  
account, &c.

[Loc. & Per.]

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Trustees,



Trustees, or any Five or more of them, and have paid such Composition Money (which Composition Money the said Trustees, or any Five or more of them, are hereby authorized and empowered to make and receive), or until he shall have rendered and given up to the said Trustees, or any Five or more of them, or to such Person or Persons as they shall direct, all such Books, Papers, Vouchers, and Writings as aforesaid; or it shall be lawful for such Justice or Justices by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause the Money remaining in the Hands of such Offender to be levied by Distress and Sale of his Goods and Chattels, or if no Goods and Chattels can be found sufficient to answer and satisfy the said Monies and the Charges of levying the same, then to commit every such Offender to the common County Gaol as aforesaid, there to remain without Bail or Mainprize, until he shall have made such full Payment, or have made and paid such Composition as aforesaid.

Power to take  
Security from  
Officers.

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

Victuallers  
not to hold  
Places of  
Profit.

Turnpikes,  
where to be  
erected.

X. And be it enacted, That the said Trustees, or any Five or more of them, shall, and they are hereby authorized and required to cause a Turnpike or Toll Gate to be erected upon or across the said Road, at any Place between the Top of a certain Hill called *Grimoor Hill* and a certain Rivulet or Runner called *Blackford Syke*, which divides the Parish of *Rockliff* from the Parish of *Kirklington*, and also such Turnpikes upon or near the Sides of the said Road, across any Lanes or Ways leading into the same, as they shall think proper, and also a Toll House adjoining or near to every such Turnpike, and from Time to Time to remove or alter the same as they shall think meet or expedient, and may if they think proper cause a sufficient Piece of Ground for a Garden to be set out and inclosed to every such Toll House; and such Tolls shall be demanded and taken at such of the said respective Turnpikes or Toll Gates, which shall be erected upon or across any Part of the said Road, before any Horse, Cattle, or Carriage shall be permitted to pass through the same, as the said Trustees, or any Five or more of them, shall from Time to Time order and direct, not exceeding the Tolls following; (that is to say),

Tolls.

For every Coach, Chariot, Berlin, Landau, Phaeton, Chaise, Calash, Chair, Hearse, or Litter, if drawn by Six Horses, or other Beasts of Draught, Two Shillings; if drawn by Four Horses, or other Beasts of Draught, One Shilling; if drawn by Two Horses, or other Beasts of Draught, Four-pence; and if drawn by One Horse, or other Beast of Draught, Two-pence:

For every Waggon, having the Fellies of the Wheels of the Breadth of Nine Inches, and drawn by any Number of Horses, Oxen, or other Cattle, not exceeding Eight, One Shilling:

For every Waggon, having the Fellies of the Wheels of the Breadth of Six Inches, and drawn by any Number of Horses, Oxen, or other Cattle, not exceeding Six, Nine-pence;



For every Cart, having the Fellies of the Wheels of the Breadth of Six Inches, and drawn by any Number of Horses, Oxen, or other Cattle, not exceeding Four, Sixpence :

For every Cart, having the Fellies of the Wheels of less Breadth than Six Inches, and drawn by Four Horses, Oxen, or other Cattle, Sixpence ; and drawn by Three Horses, Oxen, or other Cattle, Four-pence ; and drawn by Two Horses, Oxen, or other Cattle, Three-pence ; and drawn by One Horse, Ox, or other Beast, Two-pence :

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, One Penny :

For every Score of Oxen, Bulls, Cows, Steers, or Heifers, and so in proportion for a larger or less Number, Four-pence :

For every Score of Calves, Hogs, Sheep, or Lambs, and so in proportion for any larger or less Number, One Penny :

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

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

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

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

Disputes to be settled by a Justice.



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

Tolls, how  
to be ap-  
plied.

XIII. And be it further enacted, That out of the Tolls or Monies to be borrowed on the Credit of this Act, the said Trustees, or any Five or more of them, shall in the first place pay all the Expences incurred by, and in relation to the obtaining and passing this Act, and shall afterwards apply the same in paying the Interest of the Monies to be borrowed by virtue of this Act, and in defraying the Charges and Expences of making, erecting, repairing, maintaining, removing, and altering such Turnpikes and Toll Houses as aforesaid, and such Bridges or Arches, Drains and Ditches, as shall be necessary to be made, repaired, or maintained; and the Expences of repairing, altering, turning, and widening the said Road, and in making good the Damages which may be done to the Owners or Occupiers of Houses and Lands as herein-after mentioned, and in paying the Purchase-money for such Lands as shall be bought by virtue of this Act, and in defraying all other Expences relating to the Execution of this Act, and for no other Purpose whatsoever.

No Toll  
Gate to be  
erected be-  
tween Stan-  
wix Bank  
and the  
River Sark.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower, or be deemed or construed to authorize or empower, the said Trustees to erect any Toll Gate or Side Bar upon or across any Part of the Publick Road leading from the Top of *Stanwix Bank* aforesaid, through the Village of *Rockliffe*, in the Parish of *Rockliffe* in the County of *Cumberland*, to the *River Sark*, which divides *England* from *Scotland*.

Trustees may  
contract with  
Persons for  
widening the  
Road, &c.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they shall for that Purpose authorize or appoint, are and is hereby empowered to enter into any Contract or Contracts in Writing, with any Person or Persons, for widening, repairing, turning, diverting, or altering the said Road, or any Part or Parts thereof, and for building or repairing any Toll Gate, Toll House, Bridges, or Arches upon any Part or Parts of the said Road, and for doing all necessary Works relating thereto, or required to be done by virtue of this Act, in such Manner, and for such Sum and Sums of Money, as shall seem fair and reasonable; and such Contracts shall be binding upon all Parties, and Damages and Costs shall and may be recovered against the Parties failing in the Execution thereof.

Tolls may be  
varied or  
reduced.

XVI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Nine or more of them (with the Consent of such Person or Persons who shall be entitled to Two-third Parts or Shares in value of the Monies which shall be due on the Credit of this Act) to vary, alter, or reduce the Tolls to be taken pursuant to this Act, from Time to Time as they may judge proper, so as every such Alteration be made proportionably, and so as no such Alteration be made at any Time after the



the first Meeting, unless Notice in Writing of the Meeting to be held for making such Alteration be affixed upon all the Turnpike Gates then erected upon or across the said Road, and be also advertised in some publick Newspaper, published and circulated within the said County of *Cumberland*, at least Fourteen Days before such Meeting; and such Tolls so varied, lessened, or altered, shall from Time to Time be raised again, so as the same do not exceed the Tolls granted by this Act, and shall be collected, recovered, and applied in the same Manner as the Tolls hereby granted are directed to be collected, recovered, and applied.

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

Tolls may  
be com-  
pounded for.

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

For leasing  
the Tolls.

XIX. Provided always, and be it further enacted, That if any Person or Persons shall, with any Horse or other Beast, Cattle, or Carriage whatsoever, pass through any Land or Ground adjoining or lying near to any Turnpike or Toll Gate to be erected upon the said Road, the same not being a publick Highway, for the Purpose of avoiding the Tolls, or if the Owner or Occupier of any such Land or Ground shall knowingly permit or suffer any Person or Persons with any Horse or other Beast, Cattle or Carriage, to pass through the same, whereby the Payment of any of the said Tolls shall be avoided; or if any Person shall forcibly pass through any of the said Turnpike or Toll Gates with any Horse or other Beast, Cattle, or Carriage, without Payment of the Tolls for the same, or shall take off or cause to be taken off any Horse or other Beast from any Carriage, or shall leave or cause to be left upon or near any Part of the said Road, any Horse or other Beast or Cattle, or any Goods, with Intent to avoid the Payment of the said Tolls or any of them, every Person so offending in any of the Cases aforesaid shall, for every such Offence, forfeit any Sum not exceeding Forty Shillings over and besides such Damages and Punishments as they shall be otherwise liable to by Law, whereof one Moiety shall be paid to the Informer, and the other Moiety thereof shall be applied for the general Purposes of this Act.

Provisions  
against evad-  
ing Tolls.

XX. And whereas some Parts of the said Road lead over open Grounds, and the Payment of the Tolls hereby granted may by reason of the Width

[*Loc. & Per.*]

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Power to  
fence off  
Parts of  
thereof



Road leading over open Ground.

thereof be avoided; be it therefore enacted, That the said Trustees, or any Five or more of them, shall and may cause to be fenced and ditched off such Parts of the said open Grounds as they shall think necessary, in order to prevent the Payment of the said Tolls being avoided.

Exemptions.

XXI. And be it further enacted, That no Toll shall be demanded or taken for any Carriage, Horse, or other Cattle going unladen for or being laden with, or returning after having gone laden only with any Materials for repairing the said Road, or any other Highway or Road; or for any Carriage or Cattle carrying any Hay, Straw, or Corn in the Straw, not sold or disposed of, but passing to be laid up in the Houses, Outhouses, Barns, Yards, or Closets of any of the Inhabitants of the Parishes or Places through which any Part of the said Road doth or may lead; or for any Horses, Cattle, or Carriages going with or for any Ploughs, Harrows, or other Implements of Husbandry, belonging to any of the said Inhabitants; or for any Cattle going to or from Plough or Harrow, belonging to any of the said Inhabitants; or for any Carriage or Cattle carrying any Coal, Turf, Peat, or other Fuel, or Lime, Marl, Dung, Mould, or Compost of any Kind whatsoever, to be employed in Husbandry, or for manuring or stocking of Land in such Parishes or Places; or for any Horses or other Cattle or Carriages employed in the conveying of any Person or Persons going to or returning from an Election of a Knight or Knights of the Shire to serve in Parliament for the said County of *Cumberland*, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded, or going to or returning on *Sundays*, or any other Days on which Divine Worship is ordered by Authority to be celebrated, from any Church, Chapel, or other Place of Religious Worship, which shall be situate within the same Parish in which any Turnpike or Toll Gate shall be erected, or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the Parishes or Places in which the said Road hereby directed to be repaired lies; or from any Clergyman going to perform or returning from his Duty at any Church or Chapel, or to or from visiting his sick Parishioners; or for any Cattle or Carriage employed only in carrying Corn to or Grist from the nearest or such other Mill as shall most generally be used by the Owners of such Corn respectively; or for any Carriages or Horses employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying or guarding such Mails or Expresses, or in returning from conveying or guarding the same; or for any Horse, Ox, Cow, Sheep, or other Cattle, going to or returning from any Pasture or Watering Place; or for any Horses belonging to Officers or Soldiers upon their March or upon Duty, or for any Horses, Cattle or Carriages employed in carrying or conveying the Arms or Baggage of any such Officers or Soldiers, or any sick, wounded, or disabled Officers or Soldiers; or for any Horses, Carts, or Waggon travelling with Vagrants sent by legal Passes; and that no Toll shall be demanded or taken for any Horse, Mare, or Gelding, furnished by or for any Persons belonging to any Corps of Yeomanry or Volunteer Cavalry, and rode by them in going to or returning from the Place appointed for and on the Days of 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.



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

XXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Nine or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall think fit, upon the Credit of the Tolls arising by virtue of this Act, or any Part or Parts thereof, and by Writing under their Hands and Seals to assign over the said Tolls, or any Part or Parts thereof, and the Turnpike Gates and Toll Houses for collecting the same (the Charges of such Mortgages or Assignments to be paid out of the said Tolls) to any Person or Persons for any Term during the Continuance of this Act, as a Security or Securities for the Repayment of the several Sums that shall be borrowed, with the Interest thereof; which Assignment shall be in the Words or to the Effect following:

Power to borrow Money.

BY virtue of an Act of Parliament made in the Forty-sixth Year of the Reign of King George the Third, intituled, *An Act, [set forth the Title of the Act]*, We \_\_\_\_\_ of the Trustees, acting in the Execution of the said Act, in consideration of the Sum of \_\_\_\_\_ of \_\_\_\_\_ to the Treasurer of the said Road by the said Act directed to be repaired, in Hand, paid by \_\_\_\_\_ of \_\_\_\_\_ do hereby grant, bargain, sell, and demise unto the said Executors, Administrators, and Assigns, such Proportion of the Tolls arising by virtue of the said Act, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum advanced or to be advanced on the Credit of the said Tolls, to be had and holden from the \_\_\_\_\_ Day of \_\_\_\_\_ for and during the Continuance of the said Act, unless the said Sum of \_\_\_\_\_ with lawful Interest for the same, shall be sooner repaid and satisfied. Given under our Hands and Seals, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

Form of Assignment.

And Copies of all such Mortgages and Assignments shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees; but no Money shall be borrowed unless Notice be for that Purpose given in some Newspaper published or circulated within the said County of *Cumberland*, and also upon the Turnpikes or Toll Gates which shall be then standing upon the said Road, at least Fourteen Days before the borrowing thereof; and all Mortgages or Assignments which shall be made in the Manner and Form aforesaid, shall be good, valid, and effectual, to all Intents and Purposes; and all Persons to whom any such Mortgages or Assignments shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time, by Writing under their respective Hands and Seals, transfer their Right, Title, Interest, or Benefit in and to the said Security, and the Principal and Interest thereby secured to any Person or Persons whomsoever, by Indorsement on the Back of such Security, in the Presence of one credible Witness; which Transfer shall be in the Words or to the Effect following:

I Do



Form of  
Transfer.

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

All which Transfers shall be produced and notified to the said Clerk, who shall cause an Entry or Memorial to be made thereof, containing the Dates, Names of the Parties, and Sums of Money, in a Book to be kept for that Purpose, for which the said Clerk shall be paid the Sum of One Shilling, and no more; and after such Entry made, every such Transfer shall entitle the respective Assignees or Persons to whom the same shall be made, their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and every such Assignee shall and may in like Manner assign and transfer again, and so *toties quoties*; and it shall not be in the Power of any Person making such Assignment or Transfer afterwards to make void, release, or discharge the same Security, or any Monies thereon due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Tolls, Turnpikes, and Toll Houses in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Monies, or the Dates of such Mortgages or Assignments.

Power to  
widen the  
Road; re-  
move An-  
noyances;  
and to cleanse  
Ditches, &c.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, to cause the said Road, or any Part or Parts thereof, to be widened, altered, turned, improved, repaired, and kept in Repair, when, where, in such Manner, and so often as they, or any Five or more of them, shall judge proper; and for that Purpose it shall be lawful for them, or any Five or more of them, or their Surveyor or Surveyors, or any other Person or Persons employed for that Purpose, from Time to Time to remove all Annoyances made on any Part of the said Road by Timber, Stone, Carriages, Saw Pits, or other Pits, Buildings, Hovels, Dung, Ashes, Filth, Rubbish, or Straw, or by any other Things or Means whatsoever, and to abate, remove, take down, fill up, and carry away the same, and convert the Materials thereof for the Benefit of the said Road, and to turn any Watercourses, Sinks, Ditches, or Drains, running along, into, or out of the said Road, to the Prejudice thereof, also to open, scour, cleanse, deepen, or widen any Watercourses, Sinks, Ditches, Drains, or Arches, adjoining or near to the said Road, and to cut down any Trees, Shrubs, Wood, or Bushes, growing in the same Road, and to lop or top any Timber Trees, and to cut down, lop, or top, any other Trees, Shrubs, Wood, or Bushes growing in the Hedges or Banks adjacent to the same Road, or within Twelve Feet of the Centre of such Road, and to take and carry away the same, and convert and dispose thereof for the Benefit of the said Road, and to reduce all Hedges running along the Sides of the said Road to the Height of Eight Feet, in case the Persons to whom the same shall belong shall neglect to remove or abate such Annoyances, or to open, scour, cleanse, widen, or deepen such Watercourses, Sinks, Drains, Ditches, or Arches, or to cut down, lop, top, or remove such Trees, Shrubs, Wood, and Bushes, and reduce such Hedges, for the Space of Ten Days after Notice in Writing left at his, her, or their usual Place or Places of Abode for that Purpose, under the Hands of any Five or more of the said Trustees, or under the Hand of the Surveyor or any other Person employed by them in or about the said Road;



Road; and the Charges of removing and abating such Annoyances, and of opening, scouring, cleansing, deepening, and widening such Watercourses, Sinks, Drains, Ditches, and Arches, and reducing such Hedges, shall be recovered from the Person or Persons neglecting so to do, after such Notice as aforesaid, in such Manner as other Penalties and Forfeitures are to be recovered under this Act; and such Person or Persons guilty of such Neglect, after such Notice given, shall likewise, for every Yard in Length of such Watercourses, Drains, Ditches, and Hedges so neglected to be opened, scoured, cleansed, deepened, and widened or reduced as aforesaid, forfeit the Sum of Ten Shillings over and above such Charges as aforesaid, and to be recovered in Manner aforesaid; and if any such Person shall afterwards offend in the like Manner, he or she shall, for every such subsequent Offence, forfeit the Sum of Twenty Shillings.

XXIV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or such other Person or Persons as shall be appointed for that Purpose by the said Trustees, or any Five or more of them, to make or cause to be made Causeways in or along the Side of the said Road, and to cut and make Drains or Watercourses through any Lands lying contiguous to the said Road, and to erect and keep in Repair Bridges and Arches of Brick, Timber, or Stone thereupon, and to cause Ditches or Trenches to be made in such Places and in such Manner as the said Trustees, or any Five or more of them, shall adjudge necessary for the better amending and keeping the said Road in Repair; and also to make a temporary Way or Passage through, over, or along the Grounds adjoining to any hollow, narrow, or ruinous Part or Parts of the said Road hereby intended to be repaired, (such Grounds not being a Garden, Orchard, Yard, Park, or planted Walk or Avenue to a House, Plantation, or Nursery of Trees), to be made use of by all Passengers with or without Horses, Cattle, or Carriages, as a Road, while such hollow, narrow, or ruinous Road is repairing or widening, and until the same shall be made safe and convenient; the said Trustees nevertheless making such reasonable Satisfaction to the Owner or Occupier of such Ground through which any such Ditch, Drain, or Watercourse, or on which any Arch or Bridge, or through, over, or along which any such temporary Way or Passage shall be made, for the Damage which he or she shall or may thereby sustain, as shall be agreed upon between the said Trustees and such Owner or Occupier, or (in case of any Difference concerning the same) as shall be assessed and adjudged by the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the said County, on the like Notice and in like Manner as herein-after mentioned, in case of any Dispute respecting Materials being got out of and from any private Lands or Grounds.

Power to make Causeways, Bridges, &c.

XXV. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors, or any other Person or Persons to be appointed by the said Trustees, or any Five or more of them, to cut, dig, gather, take, and carry away any Stones, Gravel, Sand, Furze, and Heath, or any other Materials proper for repairing the said Road, or other the Purposes of this Act, in, upon, out of, or from any Waste Grounds or Commons, or from any River, Brook, or Beach (but not within One hundred Feet of any Bridge, Drain, Wear, or Highwater-mark, and so as the Banks of the River shall not be thereby endangered, or the Course or Run of the

Power to get Gravel and other Materials.



Water be altered or diverted) in any Parish, or Place in which any Part of the said Road lies, or in any neighbouring Parish, Town, or Place, without paying any Thing for the same; such Surveyor or other Persons filling up the Pits, and levelling the Ground from whence such Materials shall be taken, or railing, or fencing off, or sloping such Pits, so that the same may not be dangerous to Passengers or Cattle; and if such Quantities of Stones, Gravel, Sand, Furze, Heath, or other Materials proper and sufficient for that Purpose, cannot be had or found in or upon such Waste Grounds or Commons contiguous to that Part of the said Road intended therewith to be repaired, then and in such Case the said Surveyor or Surveyors, or other Persons as aforesaid, may, by Order of the said Trustees, or any Five or more of them, dig, gather, take, and carry away such Materials as aforesaid, in, upon, out of, from, and over the Lands of any Person or Persons (not being a Yard, Garden, Orchard, Plantation, Park, Paddock, planted Walk, or Avenue to any House, or any inclosed Grounds planted and set apart as a Nursery for Trees) paying or tendering a sufficient Compensation in Money for such Materials, and for the Damage done to the Owners or Occupiers of such private Lands out of which any Materials shall be gotten, or over which the same shall be conveyed; and in case any Dispute shall arise between the said Trustees and the Persons entitled to such Compensation, concerning the Amount of such Damage, the Justices of the Peace at the first General Quarter Sessions, or at the second General Quarter Sessions at the farthest, to be holden after such Difference shall arise, in and for the County or District where such Difference shall arise, on Fourteen Days Notice thereof being given in Writing by either Party to the other, shall, upon Application for that Purpose by or on Behalf of either Party, hear, settle, and determine the same; and the Judgement or Order of the said Justices therein shall be final and conclusive to and upon all Parties.

Notice to be given before Materials are taken from inclosed Grounds.

XXVI. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons under the Authority of this Act, to dig, gather, take, and carry away Materials for making or repairing the said Road in or from any inclosed Lands or Grounds, until Notice in Writing under the Hands of Five or more of the said Trustees shall have been given Twenty-one Days to the Occupier of the Premises from which such Materials are intended to be taken, or left for him or her at his or her usual Place of Residence, to appear before Two Justices of the Peace acting for the said County of *Cumberland*, at such Time and Place as shall be mentioned in such Notice, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize such Surveyor or other Persons to dig, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier or his Agent had attended; and the said Justices shall and may administer Oaths and award Costs in like Manner as herein-after mentioned, in Cases of Difference in the Valuation of Lands to be taken and used for the Purposes of this Act.

XXVII. Provided



XXVII. Provided always, and be it further enacted, That if the Owner or Occupier of any Ground or Soil, or any Person whomsoever, shall take away any Materials which shall have been dug, gathered, or prepared for the Purposes of this Act; or if any Owner or Occupier of any private Ground shall get or take away any Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Twenty Days (except the Owner or Occupier of such Pit or Quarry for his private Use, and not for Sale) every such Person so offending shall, for every such Offence, forfeit the Sum of Twenty Shillings.

Penalty on taking away Materials.

XXVIII. And be it further enacted, That if any Person or Persons shall obstruct, assault, interrupt, or hinder, or cause to be obstructed, assaulted, interrupted, or hindered, any of the said Turnpike Surveyors, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, employed in the cutting, digging, taking, or carrying away of any Furze, Heath, Stones, Gravel, Sand, or other Materials for widening, altering, or repairing the said Road, or any Part or Parts thereof, or in removing any Annoyance, or in topping, lopping, cutting down, or removing any Trees or Bushes as aforesaid, or in digging, cleansing, or scouring any Ditch, Drain, or Watercourse, or in doing any other Act for the widening, repairing, diverting, or altering of the said Road, or any Part or Parts thereof, or otherwise, in the Execution of the Powers by this Act given, every such Person shall, for every such Offence, forfeit the Sum of Five Pounds.

Penalty on obstructing Persons engaged in the Execution of the Act.

XXIX. And be it further enacted, That for the Purpose of widening, turning, diverting, altering, and improving the said Road, it shall be lawful for the said Trustees, or any Nine or more of them, to contract and agree with the Owners and Proprietors, and other Persons interested in any Lands or Grounds lying convenient for that Purpose, for the Purchase of such Lands or Grounds, or for the Damage which may be sustained by such widening, turning, diverting, or altering any Part of such Road, and to pay for the same, and the Expences of such Purchase and Agreements, out of the Tolls by this Act granted, or out of any Money to be borrowed on the Credit thereof.

Power to purchase Lands.

XXX. And whereas it may happen that some Bodies Politick, Corporate, Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other particular Estate or Interest, Femes Covert, Trustees, Guardians, Feoffees in Trust, Committees, Executors, Administrators or others, are or may be seised or possessed of Lands, Grounds, and Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Road; for turning, widening, altering, or amending the same; be it therefore further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other particular Estate or Interest in Possession, Femes Covert, and their Husbands, Trustees, Guardians, and Feoffees in Trust, Executors, Administrators, Committees, and Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of any Infants, Lunatics, or Cestuique Trusts, and for all and every Person

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



Person or Persons whomsoever who are or shall be seized or possessed of or interested in any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Nine or more of them, for the Sale of such Lands, Grounds, or Hereditaments, or any Part thereof, for the Purposes aforesaid, and to sell and convey the same as Occasion shall be and require; and all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing to the contrary thereof in anywise notwithstanding.

Value of  
Land to be  
ascertained  
by a Jury;

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

On Payment  
of the Pur-  
chase Money,

XXXII. And be it further enacted, That all Sums of Money so assessed as aforesaid, shall be, and the same are hereby charged upon the Monies which



which shall be collected or raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or by their Treasurer, to the Persons respectively entitled thereto, or to their Agents; and upon Payment thereof to such Persons or their Agents, or in case of Refusal to accept the same after Tender thereof, then upon leaving the same in the Hands of the Treasurer to the said Trustees for the Use of such Persons, whose Lands or Grounds as aforesaid shall be laid into and made Part of the said Road, and shall to all Intents and Purposes whatsoever, become and be deemed and taken to be a publick and common Highway, and be from thenceforth Part of the said Road for ever, and shall be repaired and kept in Repair, by such Ways, Means, and Methods, and in all Respects in such Manner as the high Roads within the Parish or Place where such Lands or Grounds are situated are by Law and this Act to be kept in Repair, and all Parties and Persons shall, for ever thereafter be divested of all Right and Title to such Lands or Grounds; and after any such new Road shall be completed in lieu of any old Road, the Ground constituting the former Road, (unless leading to some Village, Town, or Place to which such new Road doth not lead,) shall be vested in, and shall and may be sold and conveyed by the said Trustees for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied to the Repairs of the Road hereby intended to be repaired; and the Person or Persons over whose Lands or Grounds such new Road shall be made in lieu of any old Road shall have the Preference in Purchase of the old Road so to be sold as aforesaid, and the Conveyance to be made of such Ground being executed by any Five or more of the said Trustees, and inrolled with the Clerk of the Peace for the said County, shall be good and effectual in the Law, to all Intents and Purposes; and the Lords of the respective Manors shall have the same Interest and Property in such new Road as they were possessed of or entitled to in the former Road, in lieu whereof such Road shall be made: Provided always, that in widening, turning, or altering the Course of any Part of the said Road, nothing shall be done which shall or may in anywise damage or injure any Dwelling House or other Building, or any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House or Plantation, or Nursery planted with Trees, on or before the First Day of *January* One thousand eight hundred and six, unless the Owner or Proprietor thereof shall consent in Writing thereto.

Lands may  
be made use  
of.

XXXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity as in this Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards

Application  
of Compen-  
sation when  
amounting to  
200l.



the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

XXXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XXXV. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before-mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied



applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee and Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXXVI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons, to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall be lawful for the said Trustees, or any Five or more of them, to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, or to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Money allowed for Lands, &c. purchased, how to be charged and tendered, &c.

XXXVII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the

Respecting disputed Titles.

Capital



Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of  
Chancery to  
direct the  
Payment of  
Expences.

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

Property of  
Turnpikes,  
&c. vested in  
Trustees.

XXXIX. And be it further enacted, That the Right and Property of and in all and every the Turnpikes, Toll Houses, and Buildings, and also all Walls, Rails, Stiles, Posts, and Fences which shall belong to the said Road hereby directed to be made and repaired, and also all Tools, Implements, Stones, Gravel, and other Materials, to be purchased, gotten, or had for repairing the said Road, shall be and are hereby vested in the said Trustees, and they are hereby authorized and empowered to dispose of the same as they shall think fit, or to bring, or cause to be brought, any Action or Actions, or to prefer and prosecute, or order to be preferred and prosecuted any Indictment or Indictments in the Name or Names of any one or more of them, or of their Treasurer or Clerk, against any Person or Persons who shall dig up, break, or pull down, steal, take, or carry away, spoil, injure, or destroy any of the said Turnpikes, Toll Gates, or Toll Houses, or any of the Materials and Things aforesaid, or who shall disturb the said Trustees, or any Person employed by them in the Possession thereof.

Old Road to  
be sold.

XL. And be it further enacted, That after the Road shall be completed, the Ground constituting the former Road (unless leading to some Village, Town, or Place to which such new Road doth not lead) shall be vested in, and shall and may be sold and conveyed by the said Trustees, or any Nine or more of them, for the best Price that can be obtained for the same, and the Money, arising by such Sale shall be applied to the Repair of the Road hereby intended to be made and repaired; and the Conveyance or Conveyances to be made of such Grounds shall be by Bargain and Sale executed by the said Trustees, or any Five or more of them, and inrolled with the Clerk of the Peace for the County of *Cumberland*: Provided always, That when any Grounds shall be sold in pursuance of the said last-mentioned Power, the same shall be first offered at a fair and reasonable Price to such Person or Persons as shall have Lands contiguous to, or lying intermixed therewith, and to whom the Purchase thereof shall appear to be most reasonable; and in case such Person or Persons shall refuse to purchase the same at the Price asked, such Ground shall not afterwards be sold to any



other Person or Persons at a reduced Price, without first giving such first-mentioned Person or Persons the Offer of taking the same at such reduced Price.

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

Power to put down Mile Stones, &c.

XLII. And be it further enacted, That all and every Person and Persons, Towns, Parishes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politick and Corporate, and the Members of the same, who before the passing of this Act have or hath used, or of Right ought by reason of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road hereby intended to be repaired, or any Bridge or Bridges, shall, notwithstanding this Act, be subject and liable to, and charged and chargeable with the repairing and keeping the same in Repair, in the same Manner as they or any of them have or hath heretofore usually done, or ought to do; and that the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the several Towns, Parishes, Hamlets, or Places through which the Road hereby intended to be repaired doth lead, who by the Laws, and Statutes of this Realm are or shall be obliged or liable to work with Teams, Draughts, or otherwise, in the Highways for the repairing thereof, commonly called Statute Work, shall still be subject and liable to do the same Work, and shall and are hereby required to do and perform such and so many Days Work in such Parts of the Road by this Act directed to be repaired, and lying within the said Parishes, Hamlets, or Places, in which such Inhabitants respectively shall live, or be liable to do Statute Work, and at such Times and in such Manner as the said Trustees, or any Five or more of them, or their Surveyor or Surveyors, shall direct or appoint; provided that not more than Three Days Statute Work in any one Year shall be required of the Inhabitants who are liable to perform Statute Work upon the said Road.

Persons already liable to do Highway Duty not to be exempted by this Act.

XLIII. And, to the End that the said Trustees may know the Inhabitants of and Occupiers of Lands, Tenements, and Hereditaments, in all the Towns, Parishes, Hamlets, and Places wherein the Road by this Act directed to be repaired doth or may lie, who are liable to do Statute Work, or other Work or Duty, by reason of Tenure or otherwise on the Highways, and what Sort of Work or Duty they ought respectively to do; be

Surveyors of Parishes to make Lists.

[Loc. & Per.]

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it further enacted, That the Surveyors of the Highways of and for every of the said Towns, Parishes, Hamlets, and Places, where or in or for which any such Surveyors usually have been or ought to be chosen, shall and are hereby required, after Fourteen Days Notice in Writing, signed by the Clerk, Treasurer, or Surveyor to the said Trustees, shall be given to him or them, or left at his or their House or Houses, or last Place of Abode, for that Purpose, to return and deliver in to the said Trustees, or any Five or more of them, at any Meeting to be by them held agreeable to such Notice, true and perfect Lists in Writing, upon Oath if thereunto required (which Oath the said Trustees, or any Five or more of them, are hereby empowered to administer) of the Names of such Inhabitants and Occupiers of Lands, Tenements, or other Hereditaments, within such Towns, Parishes, Hamlets, and Places respectively, as are liable to do the Statute or other Work or Duty in and upon the said Highways, and shall in and by such Lists distinguish and set forth which of such Inhabitants and Occupiers keep a Team or Teams, and what Lands, Tenements, or Hereditaments, and of what annual or reputed Value they respectively occupy, and which of them are Labourers, or liable to do Statute Duty as Labourers only; and if any such Surveyor shall neglect to deliver any such List at such Time and in such Manner as by this Act is required, or shall refuse to verify the same on Oath, or if the Name or Names of any Person or Persons who ought to have been inserted in any such Lists, shall be by Design omitted, or if any such Surveyor shall refuse or decline to give publick Notice or Summons to any such Person or Persons who ought by Law to do and perform such Statute Labour or Duty as aforesaid, according to the Directions of the Surveyor or Surveyors appointed by the said Trustees, every such Parish or Township Surveyor shall forfeit and pay for every such Default any Sum not exceeding Five Pounds.

Penalty on  
not perform-  
ing Statute  
Work.

XLIV. And be it further enacted, That every Person who shall neglect or refuse to do such 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 such 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 every Person who shall according to such Notice as aforesaid come as a Labourer, or with any Team or Draught, to work on the said Road, and shall be found negligent or idle by the said Turnpike Surveyor or Surveyors where the Work is to be done, such Surveyor or Surveyors, may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person, or such Team or Draught, had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team or Draught, shall be liable to the respective Forfeitures before-mentioned; and all Persons doing such Statute Work as aforesaid on the said Road, shall not be liable to do any other Statute Work thereon.

Trustees may  
compound  
for Statute  
Duty.

XLV. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, may and are hereby authorized and empowered to compound with any Person or Persons who are to repair by  
reason



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

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

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

XLVII. And be it further enacted, That all the Forfeitures, Penalties, and Fines hereby inflicted or authorized to be imposed (if the Manner of levying and recovering thereof is not herein otherwise directed) shall, upon Proof of the Offences respectively, before any one Justice of the Peace for the County or Place wherein the Offence shall be committed, or any one Justice of the Peace for the County or Place wherein the Offender shall be and reside, either by Confession of the Party or Parties offending, or by the Oath of one or more Witnesses or Witnesses (which Oath such Justice is hereby empowered and required to administer without Fee or Reward) be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant or Warrants under the Hand and Seal of such Justice (which Warrant or Warrants such Justice is hereby empowered and required to grant for those Purposes); and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the said Penalties, Forfeitures, and Fines, when paid or recovered, shall be, if not otherwise directed to be applied by this Act, from Time to Time paid to any Five or more of the said Trustees, or to their Treasurer, and applied in Repair of the said Road; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for any one 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 of the County or Place where the Person or Persons offending shall live, or where the Offence or Offences shall be committed, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

Penalties, how to be recovered and applied.

XLVIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices

Form of Conviction.



Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form of Words; *videlicet*,

County of *s* Be it remembered, That on  
to wit. *l* in the Year of our Lord  
A. B. is convicted before me C. D. one of His Majesty's Justices of the  
Peace for the said County of  
[specifying the Offence, Time, and Place when  
and where the same was committed, as the case shall be.] Given under my  
Hand and Seal, the Day and Year aforesaid.

Power of  
Appeal

XLIX. 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, a Remedy whereof is not hereby otherwise or at any other Time provided for, such Person or Persons may appeal to the Justices at the General Quarter Sessions of the Peace to be held for the County or Place wherein the Cause of Complaint shall arise; within Six Calendar Months after the Cause of Complaint shall have arisen; the Appellant or Appellants first giving or causing to be given Fourteen Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk, Treasurer, or Surveyor of the said Road, and within Ten Days after such Appeal, entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the 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 Causes and Matters of such Appeal in a summary Way; and the said Justices shall and may in every such Case, and in every other Case of Appeal directed by this Act, award to the Parties, Appellants or Respondents, such Costs as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

Distress not  
to be unlaw-  
ful for want  
of Form.

L. And be it further enacted, That 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 or want of Form in the Summons, Conviction, Notice, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of Satisfaction and sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall and may be lawful for the Defendant or Defendants, in any such Action, by leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into  
Court

No Action  
to be brought  
if Satisfaction  
be made  
or tendered,



Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Orders and Judgements shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

LI. And be it further enacted, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Proceedings  
not to be re-  
moved by  
*Certiorari*.

LII. And be it further enacted, That the several Persons who have subscribed, or shall subscribe Money for and towards making, repairing, turning, diverting, or altering the said Road, shall and they are hereby required to pay the Sum so subscribed, or such Part or Parts thereof, within such Times, and to such Person or Persons as the said Trustees, or any Five or more of them, shall, by any Writing or Writings under their Hands, authorize to receive the same, or such Part or Parts thereof as aforesaid; and in Default thereof it shall be lawful for the said Trustees, or any Five or more of them, to sue for and recover the same in the Name of their Treasurer or Clerk, in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, where no Effoign, Protection, Wager of Law, or more than one Impatience shall be allowed.

Money, how  
to be reco-  
vered from,  
and paid by  
Subscribers.

LIII. And be it further enacted, That every Treasurer for the Time being to the said Trustees for making and repairing the said Road, shall render and make up his Accounts of Receipts and Disbursements, upon Oath, at the General Quarter Sessions of the Peace for the said County of *Cumberland*, to be holden next after every *Midsummer* and *Christmas* yearly, to be lodged with the Clerk of the Peace for the said County, and kept among the Records of the said County; and such Accounts may be inspected by any Person or Persons *gratis*, who shall and may take Copies of all or any Part thereof, paying for the same the Sum of One Shilling, and no more.

Treasurer to  
account every  
Half Year.

LIV. 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 from the Time of advancing the same to the Time of Payment, shall be paid and defrayed out of the first Monies borrowed, received, or collected by virtue of or for the Purposes of this Act, and the Remainder thereof shall from Time to Time be applied in repaying the Monies due on the Credit of the Tolls collected on the said Road, and to grow due and to be borrowed on the Credit of this Act, and the Interest thereof respectively, and in carrying this Act into Execution.

Expence of  
obtaining the  
Act to be  
paid out of  
the Tolls.

LV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given in Writing to the Clerk to the said Trustees, or after sufficient Satisfaction

Limitation  
of Actions.

[*Loc. & Per.*]

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or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and all Actions and Suits shall be brought, laid, and tried in the County or Place where such Matters and Things respectively shall be committed and done, and not in any other County or Place; and that the Defendant or Defendants in such Actions and Suits and every of them may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to be so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions Judgement shall be given for the Defendant or Defendants therein, then and in either or any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law.

Publick Act.

LVI. 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.

Commence-  
ment and  
Term of the  
Act.

LVII. And be it further enacted, That this Act, and all the Tolls and Powers hereby given, shall commence and take Effect on the Day on which the Trustees shall hold their first Meeting, and shall be put in Execution and continue in force from thenceforth for and during the Term of Twenty-one Years then next ensuing, and from thence to the End of the then next Session of Parliament,

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