



ANNO QUADRAGESIMO OCTAVO

GEORGH III. REGIS.

\*\*\*\*\*

*Cap. 28.*

An Act for continuing the Term and altering the Powers of several Acts, for repairing the Road from *Carlisle* to *Penrith*, and from *Penrith* to *Eamont Bridge*, in the County of *Cumberland*.

[14th April 1808.]

**W**HEREAS an Act was made in the Twenty-sixth Year of the Reign of His late Majesty King George the Second, intituled, *An Act for repairing the Roads from the City of Carlisle to the Town of Penrith, in the County of Cumberland, and from the said Town of Penrith to Eamont Bridge, which divides the Counties of Cumberland and Westmorland*: And whereas another Act was made in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for continuing the Term and altering the Powers of an Act made in the Twenty-sixth Year of the Reign of his late Majesty, for repairing the Road from the City of Carlisle to the Town of Penrith, in the County of Cumberland, and from the said Town of Penrith to Eamont Bridge, which divides the Counties of Cumberland and Westmorland*: And whereas another Act was made in the Thirty-eighth Year of His said Majesty's Reign, intituled, *An Act for continuing for Twenty-one Years, and from thence to the End of the then next Session of Parliament, the Term and altering and enlarging the Powers of the Two Acts made in the Twenty-sixth Year of the Reign of King George the Second, and the Nineteenth Year of His present Majesty, for repairing the*  
[Loc. & Per.] 5 E Road



Term of  
former Acts  
continued.

*Road from the City of Carlisle to the Town of Penrith, in the County of Cumberland, and from the said Town of Penrith, to Eamont Bridge, which divides the Counties of Cumberland and Westmorland: And whereas the Trustees for the Care of the said Roads have proceeded in the Execution of the said Acts, and have borrowed several Sums of Money upon the Credit of the Tolls thereby granted; which still remain due and cannot be paid off, and the said Roads effectually amended and kept in Repair, unless the Term of the said Acts be further continued; and some of the Powers thereof altered and enlarged; 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 said recited Acts, and the several Clauses, Tolls, Powers, Exemptions, Penalties, Forfeitures, Matters, and Things, therein contained, and which are now in force (except such as relate to Exemptions from Stamp Duties, and also such as are hereby varied or altered) and also this present Act, shall be and are hereby declared to be in full Force and Effect, and shall have Continuance for and during the further Term herein-after mentioned, as fully and effectually, to all Intents and Purposes, as if the same were herein particularly inserted, repeated, and re-enacted, but subject nevertheless to the Amendments, Alterations, Variations, and Additions herein contained; and that this Act, and the additional Term hereby granted, shall be subject and liable to the Payment of all Monies now due and owing, or which shall be borrowed on the Credit of the said recited Acts and this present Act, and of all Interest due and to grow due thereon respectively.*

Additional  
Trustees.

II. And be it further enacted, That *John Armstrong Clerk, Matthew Atkinson, John Beck, Joseph Bell, William Birbeck of Penrith, Robert Bird, Edmond Blair, William Bleaymire, Thomas Dobson Bleaymire, George Bleaymire, Thomas Bonsfield, John Bowman, Thomas Brougham, James Brougham, Robert Carmalt, Joseph Cooper, George Dixon of Calthwaite, George Dixon of Humphrey Close, Joseph Dykes, Balantine Dykes, Richard Ellwood, Jonathan Fallowfield, James Graham of Edmond Castle, Thomas Graham and William Graham also of Edmond Castle, James Graham of Barrock Lodge, Samuel Hall, John Lawrence Harrison, Thomas Harrison, Anthony Harrison, John Hindson, John Hodgson, Thomas Hutton, John Jameson, Richard Jameson junior, Solomon Lewthwaite Clerk, Richard Lowrey, John Martindale, Joseph Martindale, George Martindale, Christopher Marvel, John Marvell, Robert Mounsey, George Stephenson Mounsey, Thomas Murkwaite, Humphrey Nelson, Henry Oliphant, John Powley, Anthony Preston, Thomas Ramshay, John Rebanks, George Remington, Jackson Roper, James Salmond, James Clarke Satterthwaite, Thomas Scott, William Sisson, Leonard Smith, John Stagg, Joseph Sudbolme, William Thompson, Edmond Wallis Clerk, Roger Walmesley, John Wells, John Wells junior, John Wordsworth, and Richard Wordsworth* (being qualified according to the Directions of the said recited Acts) shall be, and they are hereby appointed Trustees, and shall be added to and joined with the Trustees appointed by or in pursuance of the said recited Acts for putting the said recited Acts and this Act into Execution, as fully and effectually, to all Intents and Purposes, as if they had been originally appointed Trustees in and by the said recited Acts, or any of them.

III. And



III. And be it further enacted, That it shall and be lawful for the said Turnpike Trustees, or any Seven or more of them, and they are hereby authorized, <sup>Gates where to be erected.</sup> and required to cause to be built and erected Four Toll-Houses, and likewise Four Turnpike or Toll Gates, upon and across the said Road, One of such Toll Houses and Toll Gates shall be erected at the Foot of *Botchergate*, another about the Center of the Road at such Place as the Majority of the Trustees, who shall be present at a publick Meeting to be held for that Purpose at *Heskett*, (in pursuance of a Notice to be affixed upon the Turnpike or Toll Gates which shall be then standing upon the said Road, and be advertised in some Newspaper, printed and published at *Carlisle* or *Whitehaven*, at least Twenty-one Days before such Meeting) shall think fit; another Toll House and Turnpike or Toll Gate at *Pennrith* Town Head; and another at any Place between *Eamont Bridge* aforesaid and the Road leading to the Village of *Carleton*.

IV. And be it further enacted, That from and after the building the said Toll Houses and Toll Gates, the Tolls granted by the said recited <sup>Tolls granted by 26 G. 2. & 19 & 38 G. 3. repealed.</sup> Acts passed in the Twenty-sixth Year of the Reign of his late Majesty King George the Second, and the Nineteenth and Thirty-eighth Years of His present Majesty's Reign, shall be and the same are hereby repealed.

V. And be it further enacted, That from and after the building and erecting the said Four Toll Houses and Toll Gates, it shall and may be lawful to and for the said Trustees and their Successors, or any Seven or more of them, or such Person or Persons as they or any Seven or more of them shall authorize and appoint, and they are hereby authorized and empowered to demand and take at the Toll Gates to be erected by virtue of this Act, the Tolls and Duties hereafter mentioned, before any Horse, Cattle, or Carriage, shall be permitted to pass through the same, the several Sums at the respective Gates following, (that is to say);

At the Toll Gate to be erected about the Centre of the Road:

Tolls.  
At the Gate  
the Centre  
of the Road

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

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

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

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

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

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

For every Cart or other Wheel Carriage (except as before-mentioned) drawn by Three Horses or Beasts of Draught, the Sum of One Shilling, for every such Carriage drawn by Two Horses or Beasts of Draught the Sum



Sum of Eight-pence, and for every such Carriage drawn by One Horse or other Beast of Draught, the Sum of Four-pence:

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

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

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

At Butcher-  
gate and Pen-  
rith Town-  
head Gates.

At the Toll Gate to be erected at the Foot of *Botchergate*, and also at the Toll Gate to be erected at *Penrith Townhead*.

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

For every Coach, Chariot, Landau, Berlin, Chaise, Hearse, or Calash, drawn by Four Horses or other Beasts of Draught, the Sum of Nine-pence:

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

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

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

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

For every Cart or other Wheel Carriage (except as before-mentioned) drawn by Three Horses or Beasts of Draught, the Sum of Sixpence:

For every such Carriage drawn by Two Horses or Beasts of Draught, the Sum of Four-pence:

For every such Carriage drawn by One Horse or Beast of Draught, the Sum of Two-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen and not drawing, the Sum of One-penny:

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

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

At Eamont  
Bridge and  
Carleton  
Gate.

And at the Toll Gate to be erected between *Eamont Bridge* and the Road leading to the Village of *Carleton*:

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

For every Coach, Chariot, Landau, Berlin, Chaise, Calash, or Hearse, drawn by Four Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny:

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

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

For every Waggon, Wain, Cart, or Carriage (other than and except such as are herein-before otherwise rated or provided for) drawn by Four Horses



Horses or other Beasts of Draught, the Sum of Four-pence Halfpenny :

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

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

For every such Carriage drawn by One Horse or Beast of Draught, the Sum of One Penny :

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

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Two-pence Halfpenny *per* Score, and so in Proportion for any greater or less Number :

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of One Penny Farthing *per* Score, and so in proportion for a greater or less Number :

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of or as Tolls or Duties ; and the Money so to be raised and collected as aforesaid shall be and is hereby vested in the said Trustees ; and the same and every Part thereof shall be paid, applied, and disposed of, in such and the same Manner, and for such and the same Uses, Intents, and Purposes, as the Tolls directed to be raised and paid by the said first-recited Act are directed to be paid, applied, and disposed of ; and the said Trustees, or any Seven or more of them, shall and may use and exercise all and every the Powers and Authorities for the recovering and levying the Tolls and Duties hereby granted, and every Part thereof, as are given and authorized in and by the said recited Acts or either of them.

VI. And be it further enacted, That from and after the passing of this Act the Exemptions granted by the said recited Acts shall be repealed ; and that no Toll shall be demanded or taken for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying or conveying only, or going empty to carry or convey only, or returning empty 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 the said Roads, or any of the Roads in the Townships or Parishes in which any Part of the said Roads lie, or any Hay, Straw, or Corn in the Straw only, not sold or disposed of, but passing to be laid up or placed in the Outhouses, or on the Lands of the Owners thereof ; or for any Waggon, Wain, Cart, Carriage, or Horse, employed in carrying or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Ploughs, Harrows, or Implements of Husbandry, or any Mould, Dung, Lime, Marl, Sullage, Compost, or other Manure, employed in Husbandry for manuring or improving Land, or any Stone, Bricks, or other Materials for draining Land, or for any other Thing employed in the Management of any Farm or Land, or for any Waggon, Wain, Cart, Carriage, or Horse employed in carrying

[*Loc. & Per.*]

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General  
Exemptions



ing or conveying only, or going empty to carry or convey only, or returning empty from carrying or conveying, having been employed only in carrying or conveying any Brick, Lime, Stone, Plaister, Timber, or other Materials to be used for building or repairing any Church, Chapel, House, Outhouse, Barn, Stable, or Hovel, within the same Parish where such Bricks, Lime, Stone, Plaister, Timber, or other Materials, shall be made, got, or cut down; or for any Horses or Cattle going to or returning from Pasture or Watering Places, or for any Horses going to be or returning from being shod; or from any Person going to or returning from his or her proper Parochial Church, Chapel, or other Place of religious Worship tolerated by Law, on a *Sunday*, or on 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 Parishes; or from any Clergyman going to or returning from visiting any sick Person, or upon other his Parochial or Ministerial Duty on a *Sunday*, or any other Day on which Divine Service is ordered by Authority to be celebrated; or for any Horses, Cattle, or Carriages, of whatever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, guarding, or fetching such Mails or Expresses, or in returning back from conveying the same; or for any Horses, Carts, or Waggon, attending upon Soldiers upon their March or upon Duty, or drawing any Carriage attending them with their Arms or Baggage, or for any Horses 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 or on the Days of Exercise, provided that such Persons be dressed in the Uniform of their respective Corps, and have the Arms, Furniture, and Accoutrements, according to the Regulations provided for such Corps respectively at the Time of claiming such Exemption; or for any Horses, Carts, Waggon, or other Carriages, employed in the Conveyance of Vagrants sent by legal Passes; or for any Coach, Landau, Berlin, Chariot, Calash, Chair, or other Carriage, or for any Horse or other Beast conveying any Person or Persons to or from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *Cumberland*, during the Time of such Election, or on the Day before or Day after such Election shall begin or be concluded; and if any Person or Persons shall, in any fraudulent or collusive Manner whatsoever, claim or take the Benefit of any of the Exemptions by this Act granted, not being entitled to the same, every such Person shall forfeit and pay, for any 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.

Carriages returning with Coals to be Toll free.

VII. And be it further enacted, That the Owner or Driver of any Cart, Wain, Waggon, or other Carriage, going from the Town of *Penrith* and the Neighbourhood thereof, for the Purpose of fetching Coals for the Use of the Inhabitants of the said Town and Neighbourhood, shall, on producing a Ticket, signifying his having paid Toll the preceding Day for the same Cart, Wain, Waggon, or other Carriage, be permitted to repass with such Carriage through each of the said Turnpikes or Toll Gates upon the said Road Toll-free.



VIII. And be it further enacted, That all Person and Persons who shall pass or repass through the said Turnpike or Toll Gate to be erected at the Foot of *Botchergate*, on *Carlisle* Market Days, on Horseback, or with a Cart or Carts, and carrying Provisions only, to *Carlisle* Market, and who shall not travel more than One Mile upon the said Turnpike Road; and also all Person and Persons who shall pass and repass through the said Turnpikes or Toll Gates to be erected at *Penrith Townhead*, and between *Eamont Bridge* and the Road leading to the Village of *Carleton*, upon Horseback, or with a Cart or Carts, and carrying Provisions only to *Penrith* Market, and who shall not travel more than One Mile upon the said Turnpike Road, shall not be charged with or liable to pay any of the Tolls or Duties aforesaid, for any such Horses or Carts; and it is hereby declared that *Saturday* and *Wednesday* only in each Week shall be considered or allowed to be *Carlisle* Market Days, and *Tuesday* and *Saturday* only in each Week *Penrith* Market Days.

Carriages carrying provisions on Market Days to *Carlisle*, &c. exempt from Tolls.

IX. And be it further enacted, That all Meetings of the said Trustees, for the Purpose of carrying this Act and the said recited Acts into Execution, shall be held at *Carlisle* and *Penrith* alternately, and in rotation.

Meetings of the Trustees.

X. And be it further enacted, That the Clause in the said recited Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, which directs, that it shall and may be lawful to and for the said Trustees to erect One or more Gate or Gates, Turnpike or Turnpikes, Toll House or Toll Houses, on the Side or Sides of the said Roads, and across any Lane or Way leading out of the same, and so as no such Side Gate or Gates, Turnpike or Turnpikes, be erected within One Mile of the said City of *Carlisle*, or within One Mile of the said Town of *Penrith*, shall be and the same are hereby repealed.

Clause in 26 G. 2. repealed.

XI. And be it further enacted, That it shall and may be lawful for the Trustees appointed by virtue and in pursuance of the said recited Acts and of this Act, or any Nine or more of them, and they are hereby authorized and required to cause such Turnpike or Toll Gates to be erected upon the Sides of the said Roads, 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 such Tolls shall be demanded and taken at such respective Side Gates, before any Horse, Cattle, or Carriage, shall be permitted to pass through the same, as are hereinbefore directed to be demanded and taken at the Toll Gates to be erected at *Botchergate* and *Penrith Townhead*.

Turnpikes to be erected on the Sides of Roads.

XII. And be it further enacted, That from and after the passing of this Act all Demises, Leases, and Agreements for Leases of the Tolls granted by the said recited Acts, shall cease and be void; and the said Trustees, or any Nine or more of them, shall and may, and they are hereby required to make a fair and just Compensation and Satisfaction to the present Lessee or Lessees of the said Tolls for the Loss or Damage which he, she, or they shall sustain thereby; and such Compensation and Satisfaction shall and may be recovered by such Lessee or Lessees from the said Trustees, in case of Refusal to make the same on Demand made to their Clerk or Treasurer,

Leases vacated.

by



by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Power to fence  
off Parts of  
Road leading  
over open  
Ground.

XIII. 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 thereof be avoided; be it therefore enacted, That the said Trustees, or any Nine 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.

Power to purchase Lands.

XIV. And be it further enacted, That for the Purpose of widening, turning, diverting, altering, and improving the said Roads, 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 Roads, 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.

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XV. And whereas it may happen that some Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other particular Estate or Interest, Femmes Covert, Trustees, Guardians, Feoffees in Trust, Committees, Executors, Administrators or others, who 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 Roads, for turning, widening, diverting, altering, or improving the same; be it therefore further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other particular Estate or Interest in Possession, Femmes Covert, and their Husbands, Trustees, Guardians, and Feoffees in Trust, Executors, Administrators, Committees, and Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of any Infants, Lunatics, or *Cestuique* Trusts, and for all and every Person or Persons whomsoever who are or shall be seised 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 or 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 ascer-  
tained by a  
Jury.

XVI. And be it further enacted, That if any such Body Politic or Corporate, or other Owners of or Person or Persons interested in any such Lands 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,



therein, or by reason of Absence shall be prevented from treating, the said Trustees shall, within Ten Days at least before any General Quarter Sessions of the Peace to be holden for the said County of *Cumberland*, cause Notice in Writing to be given to such Owners or Persons interested, Feoffees, Executors, Administrators or Guardians, and other Trustees respectively, or to the principal Officer of any such Body Politic or Corporate, or to be left at the House of the Tenant in Possession of the Lands 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 Oaths 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.

XVII. And be it further enacted, That all Sums of Money so assessed as aforesaid shall be and the same are hereby charged upon the Monies which shall be collected or raised by virtue of this Act, and shall be paid thereout accordingly by the said Trustees, or by their Treasurer, to the 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 Public and Common Highway, and be from thenceforth Part of the said Roads 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 situate are by Law and this Act to be kept in Repair; and all Parties and Persons shall for ever thereafter be divested of

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

[*Loc. & Per.*]

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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 seven, unless the Owner or Proprietor thereof shall consent in Writing thereto.

Application of  
Compensation  
where equal  
to 200l.

XVIII. 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, Lunatic, or Person or Persons under any Disability or Incapacity, as in this Act particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England* in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting any 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



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.

XIX. 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, 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 Privy 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 of Compensation if less than 200 l. and exceeding 20 l.

XX. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments, so purchased, taken, or used, 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 or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application of Compensation if less than 20 l.

XXI. 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

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

Persons



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 High 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 said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting  
disputed  
Titles.

XXII. 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 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.

XXIII. 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.

XXIV. And be it further enacted, That so much of the said recited Statute Work. Acts as relate to the Performance of Statute Labour on the said Roads, shall be and the same is hereby repealed; and that all Persons who by Law are or shall be liable to do Statute Work, or are and shall be chargeable towards repairing and amending the Roads hereby directed to be made, widened, or repaired, or any Part thereof, shall still remain liable thereto as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the said County of *Cumberland*, and they are hereby required and empowered, upon Application made to them by the said Trustees, or by their Clerk or Surveyor, or by their Order, yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Roads by the Inhabitants of the respective Parishes or Places in which the said Roads lie; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish or Place, in lieu of or as a Composition for such Statute Work as aforesaid, shall be by him or them paid to the said Trustees, or to their Treasurer or Treasurers; and in order thereunto, it shall and may be lawful to and for such Justices, from Time to Time, to summon the Surveyor or Surveyors of the Highways for every such Parish or Place to bring in Lists before such Justices at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons) of the Names of the several Persons who within such Parish or Place are by Law subject 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 with 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 are or may be directed by any Law or Statute in force and effect for the Repairs of the Public Highways; and out of such Lists the said Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Roads as the said Justices shall think reasonable; and the same shall be done at such Days and at such Times (not being Hay Time or Harvest) and in such Parts of the said Roads as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, 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 they the said Justices shall direct; and in default of Payment thereof, the same shall and may be recovered by Distress and Sale of the Goods and Chattels of the respective Persons liable to the Payment thereof, in like Manner as any Penalties by the said recited Acts are authorized or directed to be recovered; and each and every Person who

[Loc. & Per.]

5 H

shall



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 usual Place or Places of Abode for that Purpose, by any Surveyor of the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures, as such Person or Persons may be subject or liable to by any Law or Statute in force or effect for the Repair of the public Highways; or if any Person who shall come to work as a Labourer, or shall be sent with any Team or Draught to work on the said Roads, shall be found idle or negligent by any Surveyor of the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be so found idle or negligent as aforesaid, and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments as aforesaid, as if he had neglected or refused to come, or such Team or Draught had not been sent to work on any Part of the said Roads; all which Forfeitures shall be paid to the Treasurer to the said Trustees for the Time being, and applied towards amending the said Roads; 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.

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

XXV. And be it further enacted, That 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 by the said Trustees or any Seven or more of them, out of the Money already collected or borrowed, or to be collected or borrowed, by virtue of the said recited Acts and this Act, in preference to any other Payment whatsoever.

Public Act.

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

Commence-  
ment and  
Term of the  
Act.

XXVII. And be it further enacted, That this Act shall commence and take place upon the Third *Wednesday* next after the passing thereof, and, together with so much of the said recited Acts as by this Act is not varied or altered, shall continue in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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