Anno tricesimo secundo

Georgii II. Regis.

An Act for repairing, amending, and widening the Roads from the South West End of *Nether Bridge*, in the County of *Westmorland*, by *Sizerghfellside*, to *Levens Bridge*, and from thence through the Town of *Millthrop*, to *Dixes*, and from the Town of *Millthrop* aforesaid to *Hangbridge*, and from thence to join the *Heron Syke* Turnpike Road, at the Guide Post near *Clawthrop Hall*, in the County aforesaid.



WHEREAS the Roads leading from the South West End of Nether Bridge, in the County of Westmorland, by Sizerghfellside, Levens Bridge, and through the Town of Millthrop, to Dixes, in the County Westmorland, and from the Town of Millthrop aforesaid, by Hangbridge, to join the Turnpike Road leading from Heron Syke to Kirkby in Kendal aforesaid, at the Guide Post near Clawthrop Hall, in the said County, are in many Parts thereof so very narrow, rough, ruinous, and decayed, that not only Wheel Carriages cannot pass without great Danger and Difficulty, but the same are very dangerous for Travellers, and incapable of being repaired by the ordinary Course of Law: Therefore, to the Intent that Preamble.

the said Highways and Roads may be forthwith effectually amended, repaired, and widened, and from time to time hereafter kept in good and sufficient Repair; May it please your most Excellent 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 Right Honourable James Smith Stanley Esquire, commonly called Lord Strange, Sir Philip Musgrave, Sir James Lowther, Sir George Dalston, Sir Michael Le Fleming, Baronets; the Honourable Thomas Howard Esquire, the Honourable Francis Charteris Esquire, John Dalston, Edward Wilson, Thomas Fenwick, Walter Strickland, Roger Wilson, George Wilson, Myles Harrison, Thomas Shepard, John Moore, William Matson, Fletcher Fleming, Charles Strickland, Thomas Strickland, John Gale, John Upton the elder, John Upton the younger, Edward Johnson, Starkie, Gardiner, Isaac Eels, Esquires; Daniel Wilson, Richard Burn, James Bird, Thomas Symonds, George Wilson, Tobias Croft, Henry Wilson, Anthony Watson, John Hunter, John Wilson, Caleb Rotherham, Clerks; the Mayor, Recorder, and Aldermen, of Kirkby in Kendal for the time being; John Keys M. D. John Atkinson M. D. John Shaw, Hugh Holme, William Symson, William Mackreth, Thomas Holme, John Hadwen, Francis Drinkel, Robert Rutson, William Gurnal, Thomas Kenady Wilson John Robinson, James Goodmon, William Herbert, Edward Wilson, James Dowker, Bryan Wilson, Michael Knott, Thomas Holme, John Martyr, Thomas Rebanks, John Crewdson, Isaac Wilson, Thomas Wilson Tanner, Thomas Harrison, James Birket, Christopher Wilson, Thomas Dennison, Edward Shipphard, Zachary Hubberfly, John Thomson, James Backhouse, John Backhouse, John Lambert, John Shutt, William Robinson, Allan Wilson, John Wilson, Mathew Wilson, Thomas Wilson of Helsington, Thomas Dodgson, John Johnson, Anthony Strickland, John Waide, John Miller, James Singleton, Thomas Ashburner, John Williamson, William Yates, John Machel, Richard Hoggart, Edward Tatham, Edward Nicholson, John Yates, William Bateman, John Cumming, Thomas Cartmell, Richard Harrison, John Smyth, Richard Crampton, Rowland Parke, John Preston, John Dickinson, Thomas Londsdale, John Williamson, Edward Harrison, Richard Thompson, Leonard Hadwen, John Bracken, Robert Saul, William Atkinson, Thomas Hurton, and George Hutton, Gentlemen; shall be, and they are hereby appointed and nominated

Trustees Names.

nominated Trustees for the surveying, ordering, amending, widening, and keeping in Repair, the Highways and Roads aforesaid; and also for putting in Execution all other the Powers and Authorities in and by this Act given and granted: And the Trustees before named, and their Successors, or any Five or more of them respectively, or such Person or Persons as they, or any Five or more of them respectively, shall authorize and appoint, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, upon, in, or across any Part or Parts of the said Road, or on the Sides thereof; and also a Toll-house or Toll-houses in or near the same, except within the Township of Kirkland; and shall and may demand, receive, and take, the several Tolls and Duties following, before any Horse, Mare, Gelding, Ass, Mule, or other Cattle, Coach, Chariot, Landau, Berlin, Phaeton, Chaise, Calash, Chair, Caravan, Hearse, Litter, Waggon, Wain, Cart, or other Carriage whatsoever, shall be permitted to pass through the same respectively; that is to say,

Trustees may erect Turnpikes and Toll-houses,

and take the following Tolls thereat.

For every Coach, Chariot, Berlin, Landau, Phaeton, Chaise, Calash, Chair, Hearse or Litter, drawn by Six Horses, Mares, or Geldings, or more, the Sum of One Shilling; and drawn by Four Horses, Mares, or Geldings, the Sum of Eight Pence; and drawn by Three or Two Horses, Mares, or Geldings, the Sum of Four Pence; and drawn by One Horse, Mare, or Gelding, the Sum of Two Pence. The Tolls.

For every Waggon, Wain, Cart, or other Carriage, drawn by Six Horses, Mares, Geldings, or Beasts of Draught, or more, laden with, or going for any thing (except Peat, Turf, Coal, or other Fuel) the Sum of Nine Pence; and drawn by Four Horses, Mares, Geldings, or Beasts of Draught, the Sum of Six Pence; and drawn by Three Horses, Mares, Geldings, or Beasts of Draught, the Sum of Four Pence Halfpenny; and drawn by Two Horses, Mares, Geldings, or Beasts of Draught, the Sum of Three Pence; and drawn by One Horse, Mare, Gelding, or Beast of Draught, the Sum of One Penny.

For every Waggon, Wain, Cart, or other Carriage, laden with, or going for, Coal, Peat, Turf, or other Fuel, drawn by above Four Horses, Mares, Geldings, or Beasts of Draught, the Sum of Three Pence; and drawn by Four Horses, Mares, Geldings, or Beasts of Draught, the Sum of Two Pence; and drawn by Three Horses, Mares, Geldings, or Beasts of Draught,

the Sum of Three Halfpence; and drawn by Two Horses, Mares, Geldings, or Beasts of Draught, the Sum of One Penny; and drawn by One Horse, Mare, Gelding, or Beast of Draught, the Sum of One Halfpenny.

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 Ten Pence per Score; and so in proportion for every greater or lesser Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score, and so in proportion for any greater or lesser Number.

Tolls vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said several and respective Sum and Sums of Money shall and may be demanded, received, and taken, as, or in the Name of, a Toll or Duty; and the Money so to be raised as aforesaid shall be, and is hereby vested in the said Trustees and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned, ordered, provided, and directed.

Turnpikes and Toll-houses vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, and also of all Stones and Posts denoting the Distance from one Place to another, to be erected and built by virtue of this Act, shall be vested in the Trustees appointed or to be appointed to put this Act in Execution; and that they, or any Five or more of them, are hereby authorized and impowered to dispose thereof in such Manner as they shall think proper; and to bring Actions, or to prefer Bills of Indictment in their Names, or in the Names of any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, against any Person or Persons who shall steal, take away, throw down, spoil, deface, or damage, such Gates, Turnpikes, or Toll-houses, Stones or Posts, or any of them, so to be erected and built as aforesaid.

Tolls may be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or any Person or Persons by them, or any Five or more of them, by Writing under their Hands and Seals, thereunto authorized, shall and may levy the Tolls or Duties hereby required to be paid, upon any Person or Persons who shall, after Demand thereof made, neglect

lect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle, upon which such Toll or Duty is imposed, or upon any other Goods or Chattles of such Person or Persons who ought to pay the same, and may detain and keep the same until such Toll or Duty, with the reasonable Charges of such Detaining and Keeping, shall be paid; and that it shall and may be lawful to and for such Person or Persons so distraining, after Four Days after such Distress made and taken (such Toll or Duty, with the reasonable Charges of such Distraining and Keeping, not being then paid) to sell the Goods, so distrained and taken, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Tolls and Duties, and reasonable Charges of distraining, keeping, and selling the same, shall be deducted thereout.

Distress may be sold after 4 Days.

And be it further enacted by the Authority aforesaid, That from and after the passing of this present Act, the Money arising by the Tolls and Duties hereby granted and made payable, or that shall be borrowed on the Credit thereof, shall, by the said Trustees, or their Successors, to be appointed as herein after directed, or any Five or more of them, be applied and disposed of, in the first Place, for the paying off and discharging the Charges and Expences attending the obtaining and passing of this Act, and of erecting such Turnpike or Turnpikes, Toll-house or Toll-houses, as the said Trustees shall think proper; and that afterwards, and subject thereunto, the Money arising by the Tolls and Duties herein before given and granted, shall be issued, paid, and applied, for and towards the amending, repairing, widening, and keeping in Repair, the Highways or Roads aforesaid, and for the other Purposes of this Act, in such Manner as the said Trustees, or their Successors, or any Five or more of them, shall direct.

Application of the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Lands, or other Tenements, near any Turnpike Gate or Bar which shall be erected in pursuance of this Act, shall wittingly or wilfully permit or suffer any Person or Persons to pass through or over any Gate, Passage, or Way; or if such Person or Persons, or any other Person or Persons, shall pass through or over any such Gate, Passage, or Way, with any Coach, Chariot, Landau, Berlin, Calash, Phaeton, Chair, Hearse, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Ass, Mule, or any other Sort of Cattle, whereby the Payment of any Toll or Duty

Penalty on Persons going thro' or permitting private Passage.

by

by this Act laid, or any Part thereof, shall be avoided; every such Person so offending, and being thereof convicted on Oath, before the said Trustees, or their Successors, or any Five or more of them (which Oath the said Trustees, or any Two or more of them, are hereby impowered to administer) or before One or more Justice or Justices of the Peace for the said County of Westmorland; which Oath the said Justice or Justices of the Peace are hereby impowered to administer; shall, for every such Offence, forfeit and pay to the respective Trustees hereby appointed for putting this Act in Execution, the Sum of Twenty Shillings.

Penalty on Persons unloading Goods,

or taking off Horses, to avoid Payment of the Tolls.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, at any Time during the Continuance of this Act, unload, or cause to be unladen, any Sort of Goods or other Merchandize, or take off, or cause to be taken off, any Horse or Horses from any Coach, Chariot, Berlin, Phaeton, Landau, Chaise, Calash, Chair, Hearse, or Litter, or any Horse or Horses, or Beast of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before he, she, or they shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid the Payment of any of the Tolls or Duties hereby imposed, or shall conceal or secrete any Goods or other Things chargeable with any of the Tolls aforesaid, or shall put or leave in any House or Place any Coach, Chariot, Berlin, Landau, Phaeton, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Ass, Mule, or other Cattle, liable to pay the said Tolls or Duties, with such Intent as aforesaid; each and every Person so offending in either of the said Cases, shall forfeit and pay to the said Trustees hereby appointed, or their Successors, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings.

Trustees may erect Side Gates, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any other Person or Persons by them, or any Five or more of them, authorized or appointed for that Purpose, to erect, set up, and build or provide, or cause to be erected, set up, and built or provided, One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of the said Road, and across any Lane or Way leading into or out of the same; and there to take and receive such Tolls as are by this Act granted and made payable, so as the same do not extend to a double Charge,

in

in case of passing through any other of the Turnpikes which shall be erected by virtue of this Act.

And, for the preventing of Frauds and Abuses in the said Tolls and Duties, be it enacted by the Authority aforesaid, That if any Person or Persons having paid the Tolls or Duties by this Act granted, or any Part thereof, and having a Note or Ticket, Notes or Tickets, to certify the Payment thereof, shall give or dispose of the same to any Person or Persons, or alter the same, in order to avoid the Payment of the said Tolls or Duties, or any Part thereof; every such Person giving, disposing, offering, or altering, and the Person or Persons receiving and using such Note or Ticket, Notes or Tickets, being thereof convicted on Oath before the said Trustees, or their Successors, or any Five or more of them, who are hereby impowered to administer such Oath, or before One or more Justice or Justices of the Peace for the said County of Westmorland, shall respectively, for every such Offence, forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, disposed of, and applied, in Manner herein after directed. Penalty on giving or receiving Tickets, &c.

Provided always, and it is hereby enacted and declared, That no Person or Persons, who shall pass through any of the Toll-gates or Turnpikes to be erected in pursuance of this Act, shall be charged with, or liable to pay any of the Tolls or Duties aforesaid for any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, laden with or carrying any Quantity of Stone, Gravel, or other Materials, for repairing the said Roads, or any of the Roads in the Townships or Hamlets in which the same, or any Part thereof, do respectively lie, or in any of the neighbouring Townships or Hamlets; or for carrying through any of the said Toll-gates or Turnpikes any Stone, Timber, or other Materials, to be used or employed for building or repairing any House, Outhouse, or Fence; or any Lime, Dung, Mould, or Compost of any Kind whatsoever, for the manuring or improving of Lands or Grounds within such Townships or Hamlets; nor shall any Toll be demanded or taken, by virtue of this Act, for any Cart, Wain, Waggon, or other Carriage, carrying any Hay or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards of or belonging to the respective Inhabitants of the several neighbouring Townships, Hamlets, or Places; nor for any Ploughs, Harrows, or other Implements of Husbandry, or any other Things whatsoever employed by such Inhabitants respectively, for manuring or cultivating of Lands lying Exemptions from Toll.

within such Townships, Hamlets, or Places; nor shall any of the said Tolls or Duties hereby laid be demanded or taken from any Person or Persons residing in any of the said Parishes, Townships, or Hamlets, who shall pass through any of the said Turnpikes or Toll-gates to or from Church, Chapel, or other Place of religious Worship tolerated by Law, on Sundays; or who shall attend the Funeral of any Person or Persons that shall die and be buried in any of the said Parishes; nor for any Horses or Cattle, going to or returning from Pasture or Watering Places, belonging to such Parishes, Townships, or Places; or for Corn or Grist carrying to or from any Mill in any of the said several Townships or Hamlets; or for any Cloth or other Woollen Stuff carrying to or from any Fulling Mill; nor shall any Toll be demanded or taken for any Post Horse or Horses carrying or drawing the Mail or Packet; nor for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggons attending them, or laden with their Arms or Baggage; or for Horses, Carts, or Waggons, travelling with Vagrants sent by Passes.

Fuel to pay nothing for One Year.

Provided likewise, and it is hereby enacted and declared, That no Person or Persons who shall pass through any of the Toll Gates or Turnpikes to be erected in pursuance of this Act, shall be charged with or liable to pay, for and during the Term of One whole Year, to be computed from the Commencement of this Act, any of the Tolls or Duties aforesaid for any Waggon, Wain, Cart, or other Carriage, Horse, Mare, Gelding, Mule, or Ass, laden with or carrying any Quantity of Coals, Culm, Turf, Peat, or other Fuel, for the Use and Consumption of the Inhabitants of the said Town of Kirkby Kendall, and of any other Towns, Villages, or Houses, upon or near adjoining to the said intended Road.

Trustees may appoint Officers.

And be it further enacted by the Authority aforesaid, That the said Trustees herein before nominated and appointed for repairing, amending, and widening the said Highways and Roads aforementioned, or any Five or more of them, shall and may, at their First or any succeeding Meeting, by Writing under their Hands and Seals, elect, nominate, and appoint, One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls or Duties hereby granted; and also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the respective Roads, and to see that the same be effectually amended, repaired, and widened, and the Money arising and expended by

virtue of this Act be duly applied; and also shall and may, from time to time, remove and displace such Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or any of them, as they shall see Occasion, and appoint new ones, in case of Death or such Removal; and such Person or Persons as is or are made liable to pay the said Tolls or Duties, is and are hereby required to pay the same to such Receiver or Receivers, Collector or Collectors, as shall from time to time be appointed for that Purpose: And the Person or Persons so to be appointed as aforesaid for receiving the said Tolls or Duties, and also the Treasurer or Treasurers to be appointed as aforesaid, shall, upon Oath (if thereunto required by the said Trustees, or any Five or more of them) before the said Trustees so requiring the same, and which Oath the said Trustees are hereby impowered to administer, Once in every Month, or oftener, if required, during the Continuance of this Act, give in a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies which he or they, and every of them, shall to such Time have received, paid, and disbursed, by virtue of this Act, on Account of his or their respective Office or Offices; for which Oath no Fee or Reward shall be taken; and the same may be taken without any Stamp thereupon: And in case any Money so received shall remain in his, their, or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as any Five or more of them shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same; and the Money so received shall be disbursed and laid out in amending and repairing the said Highways or Roads, according to the true Intent and Meaning of this Act, and to and for no other Use or Purpose whatsoever.

Officers may be removed, and others appointed.

Officers to account upon Oath.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, out of the Monies arising by the said Tolls or Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, Collector or Collectors, to be by them appointed for the several Purposes aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office and Offices, and to such other Person or Persons who have been or shall be assisting in and about procuring the said Roads to be amended and repaired, as the said Trustees, or any Five or more of them, shall think reasonable: And in

Trustees to allow Officers Salaries.

Officers refusing to account,

in case the said Treasurer or Treasurers, Receiver or Receiver, Collector or Collectors, of the aforesaid Tolls or Duties to be paid as aforesaid, or any of them, shall not make such Account and Payment to such Person or Persons, according to the Order and Direction of the

Justices to enquire into the Default;

said Trustees, or any Five or more of them; that then the said Justices of the Peace, at any Special or other Sessions or Meeting of them, to be holden in the said County of Westmorland, shall make Enquiry of and concerning such Default, as well by the Confession of the Party, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward): And if any Person or Persons shall be thereof convicted by such Justices, they shall, upon

and may commit the Offender to Gaol,

such Conviction for every such Offence, commit the Party or Parties to the Common Gaol of the said County of Westmorland, there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment, according to the true Intent and Meaning of this Act, or until he or they shall have made

until he shall conform, or compound for the same.

a Composition for the same with the said Trustees, or any Five or more of them; which Composition the said Trustees, or any Five or more of them, are hereby authorized and impowered to make and accept.

Treasurer to give Security.

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall, and are hereby required to take such Security from the Treasurer or Treasurers to be appointed as aforesaid, as they, or any Five or more of them, shall adjudge sufficient for the due Execution of the Office aforesaid, before any such Treasurer or Treasurers shall be permitted to use or exercise his or their said Office or Offices.

Surveyors may dig Gravel, &c. in Waste Grounds,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Sand, Stones, or other Materials, out of any Waste or Common, River or Brook, of or in any Parish, Township, Village, or Hamlet, in or near which the said Highways or Roads do lie, as shall be proper and convenient for amending and repairing the

without paying for the same;

Roads aforesaid, without paying any thing for the same;

and where sufficient Materials are not to be there had,

and where there is not sufficient of such Materials in any such Commons, Waste Grounds, Rivers and Brooks, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather the same

out

out of the Ground of any Person or Persons (not being the Ground whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, planted Walk or Avenue to a House, or any Place or Parcel of Ground set apart and used as a Nursery for Trees) where such Materials are or may be found; and, from time to time, to take and carry away such and so much thereof, as the said Surveyor or Surveyors shall adjudge necessary, for repairing and amending the Roads aforesaid; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers of the Ground where and from whence the same shall be dug, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or their Successors, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same between such Owners or Occupiers and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace at their General Quarter Sessions to be holden for the said County of Westmorland, or the major Part of them present at the said Sessions, shall adjudge, assess, and finally determine the same.

they may be taken from private Grounds;

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, from time to time, to remove and prevent all Annoyances on or in any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, to the Prejudice thereof; and to cleanse any Ditch or Watercourse adjoining to the said Roads; and to cut down, lop, or top, any Trees, Branches, or Bushes, growing in the said Roads, or in the Banks or Hedges adjoining thereto, in case the Owners or Occupiers of the Premisses where such Annoyances as aforesaid shall happen to be, shall neglect to cut down such Trees, Branches, or Bushes, and remove such Annoyances, within Ten Days after Notice in Writing given for that Purpose, under the Hand or Hands of the said Surveyor or Surveyors, or under the Hand of any of them; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owner or Occupiers so neglecting to cut down or remove such Annoyances, such Charges to be settled and ascertained by the said Trustees, or any Five or more of them, by Writing under their Hands: And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person and Persons so offending,

Surveyors may remove Annoyances,

turn Watercourses,

and cut down Trees, &c.

the Owners neglecting to do the same after Notice.

Surveyors to be reimbursed the Charges;

Penalty of a Second Offence,

ing, and being thereof convicted, upon Confession of the Party offending, or upon Oath of One credible Witness, before One or more Justice or Justices of the Peace of the said County of Westmorland; (which Oath the said Justice or Justices is and are hereby impowered to administer) shall, for every such Offence, forfeit and pay unto the said Trustees the Sum of Twenty Shillings; which said Charges and Penalty shall be levied by Distress and Sale of the Goods and Chattles of such Owner or Occupier, by Warrant under the Hands and Seals of Five or more of the said Trustees, or any Two or more Justices of the Peace of the said County of Westmorland.

to be levied by Distress and Sale.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person or Persons as he or they shall appoint, by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains, through any Ground lying contiguous to the said Road; and to make and erect Arches or Bridges upon the said Roads; and to divert and turn the said Roads and Highways over any Part of the Moors or Waste Grounds contiguous and adjoining thereto, or through which the said Roads now pass; and also to widen the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons, Bodies Politick or Corporate, lying contiguous thereto (not being the Ground whereon any House, Out-house, or Building, stands; nor being a Garden, Orchard, planted Walk, or Avenue to a House already planted) and also to cause Ditches or Trenches to be made in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, shall judge necessary, for the better amending and keeping the Roads aforesaid in good Repair; the said Surveyor or Surveyors making such reasonable Satisfaction to the Owners or Occupiers of the Ground where such Road shall be enlarged, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damage which such Owners or Occupiers shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them, by Writing under their Hands: And in case any Difference shall happen between any of such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the said Justices of the Peace, at their General Quarter Sessions to be holden for the said County of Westmorland, or the major Part of them,

erect Bridges,

and widen the narrow Parts of the Road;

making Satisfaction to the Owners.

Justices may determine Differences.

so hear, settle, adjudge, and finally determine the same: And if any Owner or Owners, Occupier or Occupiers, of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Roads, shall neglect or refuse to scour and cleanse, or to make such Ditch or Ditches so deep, and in such Manner, as the said Surveyor or Surveyors shall, from time to time, judge proper and convenient, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers; it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men to work, to scour, cleanse, and deepen the same; the Charges whereof, to be settled by any Five or more of the said Trustees, by Writing under their Hands, shall be reimbursed to the said Surveyor or Surveyors by such Owner or Owners, Occupier or Occupiers: And in case he or they shall refuse or neglect to pay the same, it shall and may be lawful to and for such Surveyor or Surveyors, by Warrant under the Hands and Seals of any Five or more of the said Trustees, to levy the Charges thereof upon the Goods or Estates of the Owner or Owners, Occupiers or Occupiers, of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his or their Goods and Chattles, rendering the Overplus, on Demand (if any be) to the said Owner or Owners, Occupier or Occupiers, after deducting thereout all Charges of such distraining, keeping, and selling, the Goods so distrained.

If the Owners shall neglect to scour their Ditches, after due Notice given for that Purpose,

Surveyors may set Men to do the same, and levy the Charge.

Provided also, and it is hereby enacted and declared, That if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents, Profits, or any Sum or Sums of Money, issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be liable or chargeable towards the repairing and amending any Part of the said Road by this Act directed to be repaired, such Lands, Tenements, or Hereditaments, Rents, Profits, Sum or Sums of Money, issuing as aforesaid, shall remain liable and chargeable; and the Possessors and Occupiers of such Lands, Tenements, and Hereditaments, are hereby directed and required to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls and Duties granted by this Act; and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the same

Lands, &c. chargeable to the Repairs of the Highways, to continue so.

same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid, together with the Costs and Charges of such Distress and Sale; and such Rents, Profits, Sum or Sums of Money, when recovered, shall be applied, from time to time, for and towards the amending the said Road, and to no other Use or Purpose whatsoever.

Persons chargeable to the Repair of the Roads to continue so.

Provided always, and be it further enacted by the Authority aforesaid, That all and every Person and Persons, who by Law are chargeable toward the repairing and amending the said Road hereby intended to be repaired, shall still remain chargeable, and do their respective Works in the Parishes, Townships, or Places, in which the said Road doth lie, in such Manner as he, she, or they, ought to have done, before the passing of this Act.

Surveyors of the Highways to give in Lists of Persons who are chargeable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the respective Surveyor and Surveyors of the Highways for the time being, of the several Parishes and Townships in which the said Roads intended to be repaired by this present Act do lie, shall yearly and every Year, during the Continuance of this Act, within Ten Days after Demand made to him or them in Writing, by the said Turnpike Surveyor or Surveyors, deliver to the said Turnpike Surveyor or Surveyors, an exact List or Account, in Writing, under his or their Hands, of the Names of all and every Person and Persons, in the said respective Parishes and Townships, who are by Law chargeable towards repairing the Roads in any of the said Parishes and Townships; and shall set forth and specify in such List what each Person is respectively chargeable with for and towards the same; and the said Parochial or Township Surveyor or Surveyors for the time being respectively, within Ten Days after Notice shall be given to him or them by the said Turnpike Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute or Days Work so adjudged or appointed as aforesaid, in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the said Person or Persons so chargeable as aforesaid; and if any of the Parochial or Township Surveyor or Surveyors aforesaid, shall neglect to do as they are hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the

Penalty on Surveyors neglecting to deliver in such Lists, &c.

and on Persons not performing Statute-work.

said Roads, shall, after such Summons or publick Notice, neglect or refuse to do and perform their respective Statute-work on the said Roads; he, she, or they, so neglecting or refusing, shall respectively forfeit and pay the Sum of Three Shillings, for each of the Days such Person or Persons shall make Default; and if any Labourer, or other Person or Persons, so chargeable towards repairing the said Roads, shall at any Time neglect or refuse (after such Summons or publick Notice) to do and perform his or their respective Statute-work or Duty on the said Roads, he, she, or they, shall respectively forfeit and pay the Sum of One Shilling for each of the Days such Labourer, or other Person or Persons, shall make such Default: And if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work as a Labourer or Labourers, or be sent with any Team, Draught, or Cart, to work on the said Roads, shall be found idle or negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done; in such Case the said Turnpike Surveyor or Surveyors may, and is hereby impowered and required to remove and turn him or them off who shall be found idle and negligent as aforesaid, and it shall be esteemed and taken as if such Labourer or Labourers had not come, and such Labourer or Labourers, and the Owner or Owners of such Team, Draught, or Cart respectively, shall be subject and liable to the respective Forfeitures and Payments aforementioned, as if he, she, or they, had neglected or refused to do or perform his, her, or their respective Statute-work so ordered and appointed as aforesaid.

Persons found idle to be turned off.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Successors, or any Five or more of them, from time to time, during the Continuance of this Act, to compound and agree with any of the Parishes Townships, or Hamlets, to which the said Roads do belong, or with the Inhabitants thereof, for a certain Sum of Money, or otherwise by the Year, as the said Trustees and their Successors, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by such Parishes, Townships, or Hamlets, or by the Inhabitants thereof; Copies of all which Compositions or Agreements, so to be made by the said Trustees as aforesaid, shall be entered at Length in a Book or Books, to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever, without Fee or Reward.

Trustees may compound with Parishes, &c.

Compositions to be entered in a Book.

Books may be inspected gratis.

Composition-money how to be recovered.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid in lieu of any Statute or Days Work of the Inhabitants of any Parish, Townships, or Hamlet, wherein the Roads to be amended by virtue of this Act do lie, shall not be paid within Fifteen Days next after the same shall become payable, according to such Composition or Agreement; that then it shall and may be lawful for any Justice of the Peace within his respective Jurisdiction, by Warrant under his Hand and Seal (Oath being first made that the same hath been demanded and remains unpaid, which Oath such Justice is hereby authorized to administer) to levy such Composition-money by Distress and Sale of the Goods of the Person or Persons so having compounded for or in respect of the Statute or Days Work, or of the Surveyor of the Highways for the time being of such Parish, Townships, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any be, after the said Money, and the reasonable Charges of such Distress and Sale, shall be thereout first paid or deducted) if demanded, to the Person on whose Goods such Distress was made.

Surveyors paying the Composition-money, how to be reimbursed.

Provided always, and be it enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of or for such Parish, Townships, or Hamlet, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him in the Manner herein before provided, all and every such Surveyor and Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in such Manner as by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies for amending the said Highways.

Trustees may make a temporary Road,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Turnpike Surveyor or Surveyors, by Order of the said Trustees for the time being, or any Five or more of them, to make, or cause to be made, a Road or Way through, over, or along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired (not being the Ground whereon any House or Building stands, or a Garden, Orchard, Park, or planted Walk or Walks, or Avenue to any House already planted, or any Piece or Parcel of inclosed Ground planted or set apart for Trees) to be made use of by any Passengers with Horses, Coaches, Carriages, or otherwise, as a public

lick Highway, whilst the old, narrow, or ruinous Road is repairing, and until such Time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, and no longer; making such reasonable Satisfaction to the Owners or Occupiers of such Ground respectively, for the Damages such Owners or Occupiers respectively shall or may sustain thereby, as shall be adjudged by the said Trustees for the time being, or any Five or more of them: And in case any Difference shall happen between the Owner or Owners, Occupier or Occupiers, and the said Trustees, touching or concerning such Damages, that then it shall and may be lawful to and for the Justices of the Peace, or the major Part of them, at their next General Quarter Sessions to be holden for the said County of Westmorland, to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners.

Justices to determine Differences.

And be it further enacted by the Authority aforesaid, That the said Trustees, or their Successors, or any Five or more of them, shall and may, and are hereby impowered, by Writing under their Hands and Seals, without any Stamp thereon, to sett, demise, and to Farm lett, the Tolls or Duties by this Act granted, or so much, or such Part thereof, as shall be collected at any of the said Gates as shall be erected and set up in pursuance of this Act, to any Person or Persons who shall be willing to take or farm the same from Year to Year, or for any Part of the said Term hereby granted, not exceeding Three Years, upon Twenty Days Notice in Writing, to be fixed on all the Turnpike-gates to be erected by virtue of this Act, and to the highest Bidder upon a publick Bidding, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, and under such Covenants, as they the said Trustees, or any Five or more of them, shall think fit; and to be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall appoint to receive the same; which Money, so to be paid, shall be applied and disposed of for repairing the said Roads, and the other Purposes herein mentioned, and to no other Use or Purpose whatsoever: And if the Money which shall be agreed to be paid for the Tolls by the Person or Persons to whom the same shall be lett, or any Part thereof, shall not be paid to the said Trustees within the Space of Twenty eight Days next after the respective Times at which the same, by the said Agreement respectively, should or ought to be paid; then, upon Proof of such Lettings, and of the Nonpayment of the said Money, or any Part thereof, before any Justice of the

Trustees may lease, &c. the Tolls.

20 Days Notice to be given thereof.

Penalty on Nonpayment,

Peace of the said County of Westmorland, on the Oath of One Witness (which Oath such Justice is hereby impowered to administer) the same Money, and every Part thereof, shall and may be levied by Distress and Sale of the Goods and Effects of the Person or Persons from whom the same shall be due or payable, or of his, her, or their legal Representative or Representatives, by a Warrant or Warrants under the Hand and Seal of such Justice; the Overplus of the Money which shall be raised by such Distress and Sale, being returned to the respective Owner or Owners of such Goods and Effect (if demanded) after the said Money, and reasonable Charges of such Distress and Sale, shall be first paid or deducted thereout: And if Goods or Effects of such Person or Persons cannot be found, sufficient to answer and satisfy the said Monies, and the reasonable Charges of such Distress and Sale (if any such there be) then any such Justice may, and is hereby required, by a Warrant or Warrants under his Hand and Seal, to cause such Person or Persons to be committed to the Common Gaol of the same County, there to remain without Bail or Mainprize, until the said Monies and Charges (if any there shall be) be fully satisfied and paid, or until such Person or Persons shall have compounded with the said Trustees, or any Five or more of them, for the said Monies, and shall have paid the Money in and by such Compositions agreed upon to be by them paid to the said Trustees; which said Compositions and Money the said Trustees, or any Five or more of them, are hereby impowered to take and receive, in full Satisfaction of the Monies that shall be then due from such Person or Persons.

and for want of Distress, the Offender to be commited.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, and their Successors, or any Five or more of them, shall in their Judgement think it more convenient, safe, and commodious, for the Passage of Horses, and Carriages, to divert and turn the said Roads and Highways, or any Part thereof, hereby directed to be repaired; that then it shall and may be lawful to and for the said Trustees for the time being, or any Five or more of them, and they are hereby impowered and authorized, from time to time, to treat for, purchase, contract, and agree, with any Person or Persons, Bodies Politic, Corporate, or Collegiate, that are or shall be Owners, Proprietors, or Occupiers of, or interested in, any Lands or Grounds, Tenements or Hereditaments, or for so much and such Part thereof as shall be necessary or convenient for that Purpose, or for the Loss or Damage which they, or any of them, may sustain, by such diverting

Trustees may contract for the Purchase of Lands to be taken into the Roads.

ing or turning the said Road, and to pay for the same out of the Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owner or Owners, Proprietor or Proprietors, and the said Trustees, or any Five or more of them; and such Lands and Grounds when purchased as aforesaid, shall, by Order and Direction of the said Trustees, or any Five or more of them, be laid into and made Part of the said Roads so directed to be repaired and amended by this Act, in such Manner as the said Trustees, or any Five or more of them, shall think convenient or proper; and shall by them, or such Person or Persons as they, or any Five or more of them, shall order and appoint for that Purpose, be sufficiently ditched or fenced out; and after the said Lands and Grounds shall be so ditched and fenced out, the same shall, not only during the Continuance of this Act, but shall for ever hereafter, to all Intents and Purposes, be esteemed and taken as a public Highway; and shall be amended and kept in Repair by such Ways, and in such Manner, as other Highways are amended and kept in Repair by the Laws in being: And after such Purchase shall be made as aforesaid, the Lands and Grounds comprized in, or constituting the old or former Road, in lieu whereof the Lands or Grounds for such new Road or Way shall be purchased, obtained, and made as aforesaid, shall or may be sold or disposed of by the said Trustees, or any Five or more of them (except such old Road lead to some other Town or Place) to such Person or Persons as shall willing to become Purchaser or Purchasers thereof, for the best Price that can be reasonably had or gotten for the same; and the Monies arising by such Sale shall be applied and disposed of for the repairing and amending the said Roads: And such Conveyance or Conveyances to be made of the said Lands and Grounds comprized in the said old Road, being executed by the said Trustees, and their Successors, or any Five or more of them, and inrolled with the Clerk of the Peace for the said County of Westmorland, shall be good and effectual in the Law, to all Intents and Purposes whatsoever.

Lands when purchased to be deemed a publick highway.

Old Road may be sold.

Provided always, and be it enacted by the Authority aforesaid, That in case it shall be found necessary to lay any Part of the Lands or Grounds of any Person or Persons, Bodies Politic or Corporate, into the said Roads, by means whereof the Hedges and Fences to the said Lands and Grounds will be damaged or destroyed; that then, and in every such Case, the said Trustees shall,

Proviso.

out of the Monies to be raised by virtue of this Act, erect, make, and set up, other good and sufficient Hedges or Fences to the said Lands or Grounds, in lieu of those which shall be so damaged or destroyed.

And whereas it may happen, that some Persons, or Bodies Politic, Corporate, or Collegiate, Infants, Femes Covert, Feoffees in Trust, or others, are or may be seised or possessed of Lands, Grounds, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, for the widening the same; and such Persons or Bodies Politic, Corporate, or Collegiate, Infants, Femes-covert, or Feoffees, may be willing to treat and agree for the Sale of such Lands, Grounds, or Hereditaments, but are incapable of granting or conveying the same, by reason of Infancy, or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, or Guardians, or other Trustees whatsoever, for or on the Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every other Person or Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree, with the Trustees, or any Five or more of them, for the Purchase of such Grounds, Lands, or Hereditaments, or any Part thereof, or for their Interest therein, 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 any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Bodies Politic, &c. may contract for the Sale of Lands, &c.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politic, Corporate, or Collegiate, or any other Person or Persons, interested in Lands, Grounds, or Hereditaments, upon Notice to them given or left in Writing at the Dwelling-house or Dwelling-houses, or Place or Places of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the

Where Persons refuse to treat, &c. for Sale of such Lands, &c.

the Lands, Grounds, or Hereditaments, so to be taken in, and added to, the said Roads, as aforesaid, shall, by the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premisses, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or their Successors, or any Five or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of Westmorland, (which Oath any Two or more of such Trustees, or any One or more Justice or Justices of the Peace of the said County of Westmorland, are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owner or Owners, Occupier or Occupiers, or Proprietors, or other Person or Persons interested, for or upon the Account of the taking of such Lands, Grounds, or Hereditaments, into the said Roads; and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required, from time to time, as often as Occasion shall be, to summon and call before the said Jury, and examine upon Oath, all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premisses (which Oath any Two or more of such Trustees, or One or more Justice or Justices of the Peace, are hereby impowered and directed to administer) and they shall also order and call the said Jury to view the said Places in Question, if there be Occasion, and use all other lawful Ways and Means, as well for their own as for the said Jury's better Information of the Premisses, as they the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have so inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money, so assessed by the said Jury, to be paid to the Owners or Proprietors of, or Persons interested in, the said Lands, Grounds, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming in Possession, Reversion, Remainder, Expectancy, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert,

the Damage and Recompence to be settled by a Jury.

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be binding and conclusive.

vert, and Persons under any Disability whatsoever, Bodies Politic, Corporate, or Collegiate, as well as all and every other Person or Persons whatsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any wise interested in such Lands, Grounds, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, to, or out of, the same.

Trustees to issue their Warrants to the Sheriff, &c. to impanel a Jury.

And be it further enacted by the Authority aforesaid, That for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of Westmorland, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy or Deputies, is and are hereby required to impanel, summon, and return, Twenty four such Persons as aforesaid; and out of the Persons so impanelled and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Five or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and for Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service, to the Number of Twelve.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall have their lawful Challenges from time to time, against any of the said Jurymen when they come to be sworn; and that

Trustees may impose a Fine on the Sheriff, &c. making Default in the Premisses.

the said Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff or Sheriffs, his Deputy or Deputies, Bailiffs, or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned and returned on such Jury not appearing, or refusing to be sworn on the said Jury, or, being so sworn, refusing and not giving their Verdict concerning the same, or in any other Manner wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this present Act; and if any Person or Persons, who being required to give Evidence before the said Jury touching the Premisses, shall refuse to

be

be examined, or to give Evidence touching the same, the said Trustees, or any Five or more of them, shall and may impose such Fine or Fines, and levy the same in such Manner as any Fine is by this present Act directed to be levied, so as no such Fine exceed the Sum of Five Pounds on any One Person.

Fine not to exceed 5 *l.*

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, and Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be and are hereby charged and chargeable upon all Tolls and Monies which shall be raised, received, and borrowed, for the Purposes of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto; and in case of Refusal to accept the same, leaving the same in the Hands of the Clerk or Clerks of the said Trustees for the time being; and after Ten Days Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors, Workmen, and Agents, to take into and add to the said Road such Grounds, Lands, and Tenements, and to ditch and fence off the same, as the Trustees, or any Five or more of them, shall think fit: And the said Ground or Grounds, Lands or Tenements, so to be taken in, shall, to all Intents and Purposes, from thenceforth become, and be deemed, and be taken to be, a publick and common Highway, and be deemed Part of the said Road, not only during the Continuance of this present Act, but for ever hereafter; and shall be kept in Repair by such Ways and Means, and in all Respects in such Manner, as other Highways are by Law to be kept in Repair.

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

Lands, &c. purchased to be made Part of the Roads, &c.

and kept in Repair as such.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That the said Trustees and their Successors, or any Five or more of them, with the Consent of such Person or Persons who shall have advanced Money on the Credit of the said Tolls, and which shall remain unpaid, are hereby authorized and impowered, from time to time, in case it shall appear to be requisite and expedient, to lessen the several Tolls and Duties hereby granted and made payable; and to order and direct such Tolls and Duties so lessened and reduced, from thenceforth to be collected, received, taken, and laid out and applied, for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; any thing herein contained to the contrary in any wise notwithstanding.

Trustees, with Consent of the Creditors, may lessen the Tolls, &c.

Provided always, That if, at any Time after such Reduction or Lessening of the said Tolls as aforesaid, the

and raise them again.

Tolls so reduced or lessened shall not be found sufficient to answer the Purposes intended by this Act, that then it shall and may be lawful to and for the said Trustees, or any Five or more of them, to advance and raise the said Tolls, or any of them, and to vary or alter the same, from time to time, as Occasion may require, to any Sum or Sums not exceeding the respective Sum or Sums herein before by this Act directed to be taken and paid; any thing herein contained to the contrary thereof notwithstanding.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence, and the Tolls, Duties, and Powers, hereby granted, shall take Place, and be payable, from and after the Twenty fourth Day of June, One thousand seven hundred and fifty nine, and shall continue in Force, and be paid (subject nevertheless to such Reduction and Variation as aforesaid) from thence, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: But if at any Time all the said Roads hereby directed to be amended and made good, shall be sufficiently amended, and shall be so adjudged by the Justices of the Peace of the County of Westmorland, at their respective General Quarter Sessions to be holden for the said County next after Easter in any Year; and all such Money as shall have been advanced, lent, borrowed, and taken up, on the Credit of the said Tolls and Duties hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, shall be repaid; then, and from thenceforth, the aforesaid Tolls and Duties shall cease and determine; any thing herein contained to the contrary thereof in any wise notwithstanding.

If before the Expiration of the Term, the Roads shall be sufficiently repaired, &c. Tolls to cease.

Trustees, who are in the Commission of the Peace, may act as Justices.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any of the said Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the said County of Westmorland, notwithstanding his or their being appointed a Trustee or Trustees for putting this Act in Execution, to act as a Justice or Justices of the Peace, in all Cases, Matters, and Things, which may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

No Order made by the Trustees to be repealed unless 7 Days Notice be given thereof.

Provided always, and it is hereby enacted and declared, That no Order made by the said Trustees and their Successors, or any Five or more of them, in, for, or concerning the executing the Trusts, Powers, and Authorities of this present Act, or any of them, shall be revoked, repealed,

repealed, or set aside, by any subsequent Order of the said Trustees, unless Notice be for that Purpose, by the Directions of the Trustees, or their Successors, or any Five or more of them, fixed in Writing, under the hand of the Clerk to the said Trustees, upon all the Turnpike-gates erected by virtue of this Act, at least Seven Days before the repealing of such Order.

Proceedings not to be quashed for want of Form, nor removeable by Certiorari.

Provided always, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster; any thing herein contained to the contrary notwithstanding.

Tolls may be assigned for Money borrowed.

And forasmuch as the Money to be collected by the Receipt of the Tolls by this Act laid and made payable as aforesaid, will not at present be sufficient for the speedy repairing and widening the said Roads; be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may, and they are hereby impowered, from time to time, by any Writing or Writings under their Hands and Seals, without any Stamp to be impressed thereon, to assign over the said Tolls arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be borne and paid out of such Tolls) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, or any Five or more of them, for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Payment thereof, with such Interest as shall be agreed upon, not exceeding Five Pounds for every Hundred Pounds, for a Year; which said Money, so to be borrowed, shall be applied and disposed of as in this Act is directed, and to no other Use or Purpose.

Assignments to be entered in a Book.

And be it further enacted by the Authority aforesaid, That all and every the Mortgage or Mortgages, Assignment and Assignments, so to be made by the said Trustees, for securing such Sum or Sums of Money, as aforesaid, shall be copied and entered in a Book or Books, to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be seen and perused at all seasonable

seasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Assignments may be transferred, and the Manner of doing so.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any Five or more of them, as a Security for any Sum or Sums of Money by any Person or Persons whatsoever lent and advanced on the Credit, and for the Purposes mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Assignment, or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more credible Witnesses, without any Stamp to be impressed thereon, assign or transfer his, her, or their Right, Title, Interest, or Benefit, to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, within Three Months after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Assignment, for which the Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and it shall not be in the Power of such Person or Persons who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Clerk's Fee.

Writings to be without Stamps.

Provided always, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching or concerning, or in Execution of, any Power and Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

And

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred (touching which no other Provision is herein made) shall be recovered and levied by Distress and Sale of the Offenders Goods and Chattles, by Warrant or Warrants under the Hand and Seal of any One or more Justice or Justices of the Peace of the said County of Westmorland; which Warrant or Warrants the said Justice or Justices, is and are hereby authorized, impowered, and required to issue, upon Information of One or more credible Witness or Witnesses, upon Oath, which Oath, the said Justice or Justices, is and are hereby impowered and required to administer without Fee or Reward, and thereupon to convict such Offender or Offenders, and the Overplus (if any be) shall, upon Demand, be returned to the Party or Parties whose Goods were so distrained and sold, and the Charges of such Distress and Sale being first deducted; and the Penalties and Forfeitures, so recovered, shall go and be applied, and laid out, for and towards amending and repairing the Road wherein the said Penalties and Forfeitures shall be incurred.

Penalties and Forfeitures how to be recovered and applied.

Provided always, and be it further enacted by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders, so entered, shall be signed by the said Trustees, or so many of them as the Case shall require, or by their Clerk or Clerks; which said Book or Books, and also the said Book directed to be kept for registering the said Assignments and Transfer, shall and may be produced and read in Evidence in all Cases of Appeals, Suits, or Actions, touching any thing done in pursuance and by Authority of this Act.

Assignments to be entered in a Book.

Books may be read in Evidence.

Provided always, and it is hereby further enacted by the Authority aforesaid, That during the Continuance of this Act, all Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or other Carriages, and Passengers on Horseback, shall pass and repass Toll-free, on the Day or Days on which there shall be an Election of a Knight or Knights of the Shire to serve in Parliament for the said County of Westmorland, and on the Day before, and the Day after such Election respectively, such Coaches, Berlins, Landaus, Chariots, Chaises, Calashes, Chairs, or other Carriages, or Passengers on Horseback, going or returning from such respective Election; any thing herein contained to the contrary notwithstanding.

No Toll on Election Days.

Tolls to be paid but Once a Day.

Provided always, and it is hereby declared and enacted by the Authority aforesaid, That no Person or Persons having Occasion to pass or repass through any Turnpike or Turnpikes where the said Tolls or Duties shall be taken, and to return again through the same, before Twelve of the Clock at Night, with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any Sort of Cattle, for which the said Tolls or Duties have been paid, shall be liable or compellable to pay the said Tolls or Duties more than Once the same Day.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him or themselves aggrieved by any Penalties or Forfeitures incurred or imposed by virtue of this Act, it shall and may be lawful to and for him, her, or them, to appeal to the Justices of the Peace at their General Quarter Sessions of the Peace to be held for the said County of Westmorland, next and immediately after such Person or Persons are aggrieved (unless such Aggrievance shall happen within Fourteen Days preceeding such next Quarter Sessions, in which Case such Appeal shall be brought at the Second Quarter Sessions then next after) who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any of the Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or vacate or set aside the Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs as to them, in their Discretion, shall seem reasonable; and to levy by their Order or Warrant such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and for want of sufficient Distress, to commit the Party to the Common Gaol of the said County of Westmorland, for any Time not exceeding Three Months, or until Payment of such Costs: But the Person or Persons so appealing as aforesaid shall, and he, she, or they, is and are hereby directed to give Notice in Writing, to the Treasurer or Treasurers for the time being of the Tolls and Duties granted by this Act, of such their Intention of bringing or prosecuting an Appeal, Ten Days before the said Quarter Session, and shall, before such Notice given,

Notice of Appeal to be given.

enter into a Recognizance before One or more Justice or Justices of the Peace for the said County of Westmorland, with Two sufficient Securities, with a Condition to prosecute such Appeal.

Qualification of Trustees.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be qualified or capable of acting as a Trustee, in any Case, 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 and Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, and Hereditaments, being Freehold, Leasehold, Customary, or Copyhold, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, and intitled to, a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Fifteen hundred Pounds, more than sufficient to pay all his Debts: And if any Person or Persons, not being qualified as aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person, for such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that will inform, or sue for the same; to be recovered in any of his Majesty's Courts of Record, by Action of Debt or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed, nor more than One Imparlance.

Penalty on Persons acting, if not qualified.

Trustees to take the following Oath before they act.

Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this Act, save in the Administration of the following Oath, unless he shall first take and subscribe an Oath in the Word, or to the Effect following, before any Two or more of the said Trustees; which Oath any Two or more of them are hereby authorized and impowered to administer; that is to say,

The Oath.

I *A. B.* do swear, That I am truly and *bona fide*, in my own Right, or in the Right of my Wife, in the actual Possession or Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments, being Freehold, Leasehold, Customary, or Copyhold, of the clear yearly Value of Fifty Pounds, above Reprizes; or possessed of, or intitled to, a Personal Estate alone, or a Real and Personal Estate together, to the Amount or Value of Fifteen hundred Pounds, more than sufficient to pay all my Debts.

No Trustee to accept of a Place of Profit.

Provided always, and be it further enacted, That no Person or Persons whatsoever, who is, are, or shall be, or act as, a Trustee or Trustees for putting this Act in Exe-

Execution, shall have or accept of any Place of Profit arising out of it, or by reason of any Tolls or Duties by this Act laid or granted; but every such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of accepting, and during the Enjoyment of, such Place of Profit as aforesaid.

Victuallers, &c. not to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler, or Retailer of Ale, Beer, or Spirituous Liquors, or menial Servant to any of the Trustees appointed or to be appointed to put this Act in Execution, shall be capable of holding any Office under the said Trustees.

No Turnpike to be erected in *Kirkland*.

Provided always, and be it further enacted by the Authority aforesaid, That no Toll Bar or Bars, Gate or Gates, Turnpike or Turnpikes, Toll-house, or Toll-houses, shall be set up, fixed, erected, or built, within the Township of Kirkland, by virtue of this Act.

Time and Place of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet at the Moothall in Kirkby Kendal aforesaid, on the First Day of June, One thousand seven hundred and fifty nine, and shall then and there, and at any other Meeting or Meetings which shall be by them, or any Five or more of them, afterwards held, adjourn themselves to, and appoint any other Time or Times, Place or Places, in or near the said Roads hereby intended to be repaired, for any subsequent Meeting or Meetings, as they the said Trustees, or any Five or more of them, at any of their Meetings, shall direct or appoint: And if at any Meeting or Meetings, so to be appointed as aforesaid, there shall not appear a sufficient Number of Trustees for putting this Act in Execution; then, and in such Case, the Clerk or Clerks to the said Trustees, or any One of the Trustees who shall be then present, shall and may, and is and are hereby required, as often as the Case shall happen, by Notice in Writing under his or their Hands, to be fixed on the respective Turnpike Gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, to appoint the said Trustees to meet at the House where the said Meeting was so appointed to be held, or at some other convenient House in or near the said Road, on that Day Three Weeks on which such last Meeting of the said Trustees was appointed to be held; and that the said Trustees, at their First and all subsequent Meetings, shall defray their own Charges and Expences.

On Death or Removal of Trustees, others to be chosen.

And, for continuing a sufficient Number of Trustees to put this Act in Execution, be it further enacted by the

the Authority aforesaid, That when, and as often as any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful for the surviving and remaining Trustees, or any Five or more of them, by any Writing or Writings under their Hands and Seals, during the Continuance of the Term hereby granted, from time to time, to elect, nominate, and appoint One or more fit Person or Persons in the Room or Place of such Trustee or Trustees so dying removing, or refusing to act; and such Person or Persons so elected, nominated, and appointed, shall have such and the same Authority to put in Execution all and every the Powers by this Act granted, as if the said Trustee or Trustees had been herein particularly named; and Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees shall be given by the said Clerk or Clerks for the time being, who is or are hereby required to fix, or cause to be fixed, such Notice in Writing, at or on the Turnpike or Turnpikes erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election; and all and every such Person or Persons as shall be chosen and appointed, shall and may, and he or they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees are by this Act authorized and impowered to act and do.

14 Days Notice thereof to be given.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall cause the said Roads to be measured, and such Stones and Posts to be erected thereon, or in or near the Sides thereof, at the Distance of One Mile each from the other, in order to mark and denote the Distance of every such Stone or Post from any other Place, as to the said Trustees shall seem meet: And if any Person or Persons shall wilfully break or pull up any of the said Stones or Posts, or obliterate or deface any of the Letters or Figures thereon, and be thereof convicted before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace of the said County of Westmorland; such Person or Persons so offending shall forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully broken, obliterated, defaced, or pulled up, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hands and Seals of the said Trustees, or any Five or more of them, or under the Hand and Seal, or Hands and Seals, of the Justice or Justices, before whom such Conviction shall be made;

Roads to be measured, and Mile-stones erected.

Penalty on defacing Mile-stones, &c.

such Forfeitures to be applied in repairing the Stones or Posts so broken, pulled up, or defaced, or of supplying new Ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Road aforesaid; and in case the Person or Persons so offending, and convicted, shall have no Goods and Chattles, then it shall and may be lawful for the said Trustees, or any Five or more of them, or any One or more Justice or Justices of the Peace aforesaid, by Warrant under their Hands and Seals, or Hand and Seal, to commit such Person or Persons to the Common Gaol of the County aforesaid, there to remain without Bail or Mainprize, for the Space of One Calendar Month; and the Person or Persons so offending, shall not be discharged, until he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said Calendar Month.

No Part of the Meadow called the *Garden Flatt*, to be taken into the Road.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act shall extend to impower the said Trustees, their Agents or Servants, to enlarge the said Road, by taking in any Part of the Meadow called or known by the Name of the Garden Flatt, in the Township of Levens, now belonging to or in the Tenure of the Right Honourable the Countess of Suffolk and Berkshire, her Undertenants or Assigns.

Limitation of Actions.

Provided always, and be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, until Twenty eight Days Notice shall be thereof given to the Clerk or Clerks appointed as by this Act is directed, nor after a sufficient Satisfaction hath been made to the Party or Parties aggrieved, or a Tender thereof: And if any such Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County where the Offence shall be committed, and not elsewhere; and the Defendant and Defendants in such Action or Suit to be brought, shall

General Issue.

and may plead the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear so to be done, or that such Action or Suit shall be brought before Twenty eight Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction shall be made to the Party or Parties aggrieved, or a Tender

a Tender thereof, or after the Time before limited for bringing the same as aforesaid; or shall be brought in any other County, Place or Places, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law. Treble Costs.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a Publick Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

FINIS.