Anno primo

Georgii III. Regis.

An Act for repairing and widening the Road from the Borough of *Appleby*, in the County of *Westmoreland*, through the Township of *Orton*, to *Kirby Kendal*; and from *Orton*, to the Turnpike Road near *Shapp*; and from *Highgate*, near *Tebay*, in a Part of the Highway between *Appleby* and *Kirby Kendal*, through the Town of *Kirby Steven*, to the Town of *Market Brough*, in the said County.

WHEREAS the Roads leading from the Borough of Appleby, in the County of Westmoreland, through the Township of Orton, to the Borough of Kirby Kendall; and from Orton, to the Turnpike Road, near Shapp, in the said County; and also from a Place called Highgate, near Tebay, in a Part of the said Highway leading from Appleby, to Kirby Kendall, through the Town of Kirby Steven, to the Town of Market Brough, in the said County, are very ruinous, and in many Places too narrow, and cannot be amended and widened by the ordinary Course of Law: May it therefore please your most Excellent Majesty, that Preamble.

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, commonly called Lord Strange; the Honourable Master Thomas Howard, Sir Philip Musgrave, Sir James Lowther, Sir John Pennington, Sir George Dalston, Sir Michael le Fleming, Baronets; Sir William Dalston Knight, Henry Aglionby, Adam Askew, James Ashton, Joseph Burrow, John Brougham, Thomas Carlton, Henry Dennison, Joseph Deane, Henry Fletcher, Thomas Fenwick, Fletcher Fleming, John Gale, Philip Honeywood, Edward Hasell, William Hasell, Hugh Holme, Miles Harrison, Edward Johnson, Robert Lowther, John Langton, John Moore, Lancelot Machel, Jacob Morland, Richard Monkhouse, William Watson, Fletcher Norton, Stanwix Nevinson, Atkinson Robinson, John Robinson, Thomas Shepherd, Thomas Simpson, Thomas Strickland, John Stephenson, William Tatham, John Thompson, John Upton, John Upton the younger, Edward Wilson, William Winder, George Wilson, Roger Wilson, Esquires; the Mayor, Recorder, and Aldermen, of the Boroughs of Appleby and Kirby Kendall, for the time being; Carleton Atkinson, James Bird, Richard Burn, Henry Chaytor, Tobias Crofft, John Fisher, Gilpin Gorst, Thomas Hodgson, Benjamin Hill, John Hastwell, Knowesley, Henry Lowther, William Langhorn, Thomas Milward, Richard Machel, William Preston of Warcop, Hugh Robinson, Thomas Symonds, Sandforth Tatham, Daniel Wilson, George Williamson, Clerks; John Atkinson, and John Heyes, M. D. Thomas Ashburner, William Armitage, Richard Alderson, Thomas Baynes, John Burn, John Bracken, William Bracken, John Bowness, John Bowness the younger, Michael Brantwaite, Arthur Bousfield, Leonard Barnet, Edmund Borret, John Collinson, James Dowker, Thomas Dodgson, Robert Dixon, Bartholomew Dixon, Richard Fothergill, William Gorst, Thomas Gibson, John Gregson, William Herbert, Zachary Hubbersty, Thomas Harrison, Lancelot Hill, Francis Harrison, Christopher Harrison, John Harrison, Robert Hunter, Henry Holme, Henry Holme the younger, Robert Hudson, Michael Knott, John Lambert, Joseph Law, Thomas Lamb, Thomas Lamb the younger, Giles Moore, Giles Moore the younger, John Milner, John Nicholson, Edward Nicholson, Richard Noble, George Newton, Thomas Noble, James Parkin, Thomas Pearson, Thomas Rebanks, William Rowlandson,

Trustees Names.

ſon, Daniel Robinſon, Joſeph Robinſon, Wilſon John Robinſon, James Singleton, Anthony Strickland, John Shutt, Arthur Shepherd, Henry Shepherd, George Skilbeck, John Thompſon, James Twaites, Edward Wilſon, Iſaac Wilſon, Chriſtopher Wilſon, Bryan Wilſon, Iſaac Wilſon of Lanbrigg, Iſaac Wilſon the younger, Richard Wilkinſon, Henry Wilkinſon, Richard Whinfield, James Watſon, Anthony Ward, John Wakefield, and Richard Yates, Gentlemen; ſhall be, and they and their Succeſſors are hereby declared to be Truſtees for putting this Act in Execution.

Qualification of Truſtees.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be deemed qualified or capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall have, or ſhall be, in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Eighty Pounds above Reprizes; or is poſſeſſed of, or intitled to, a Perſonal Eſtate alone, of the Value of Three thouſand Pounds, or a Real and Perſonal Eſtate together, to the Amount or Value of Three thouſand Pounds; or ſhall be Heir Apparent to ſome Perſon who ſhall be in the actual Poſſeſſion, Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred and ſixty Pounds: And if any Perſon, hereby deemed incapable of acting, ſhall nevertheleſs preſume to act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, or on the Caſe, Bill, Suit, or Information, wherein no Eſſoin, Protection, Wager of Law, or more than One Imparlance, ſhall be allowed; One Moiety of which ſaid Forfeiture ſhall be paid to the Proſecutor, and the other Moiety thereof ſhall be applied in repairing the ſaid Roads.

Penalty on acting not being qualified.

Truſtees may erect Turnpikes and Toll-houſes,

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 Seven or more of them, or ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall authorize and appoint, to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or acroſs, the ſaid Roads, or any Part or Parts thereof, and alſo a Toll-houſe or Toll-houſes in, upon, or near the ſame; and to demand, receive, and take, the Tolls and Duties follow-

and take the following Tolls thereat.

ing, before any Horse, or other Cattle or Carriage, shall be permitted to pass through the same; that is to say,

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Chaise-marine, Car, or Hearse, drawn by Four or more Horses, or other Beasts of Draught, the Sum of Two Shillings and Six Pence.

For every Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Chaise-marine, Car, or Hearse, drawn by less than Four Horses, or other Beasts of Draught, the Sum of One Shilling and Six Pence.

For every Waggon, Wain, Cart, Frame, Dray, or other Carriage, drawn by Four or more Horses, or other Beasts of Draught, the Sum of Four Shillings; and if drawn by Three Horses, or other Beasts of Draught, the Sum of One Shilling and Six Pence; and if drawn by Two Horses, or other Beasts of Draught, the Sum of One Shilling; and if drawn by One Horse, or other Beast of Draught, the Sum of Six Pence.

For every Horse, Mule, Ass, or other Beast of Burden, laden or unladen, and not drawing, the Sum of Three 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, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and so in Proportion for any greater or less Number.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as, a Toll and Duty; and the Money so to be raised and collected, is and shall be hereby vested in the said Trustees for the time being; and the same, and every Part thereof, shall be paid, applied, disposed of, and assigned, to and for the several Uses and Purposes, and in such Manner, as is herein after-mentioned (the reasonable Charges expended or to be expended in, or about, or by reason of passing this Act of Parliament, being first deducted and paid) and it shall be lawful to and for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall, under their Hands and Seals, from time to time, appoint, to demand and take the Tolls and Duties hereby required to be paid, and to levy the same upon any such Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay the same as aforesaid, by Distress of any Horse or Horses, or other Cattle, or of any Carriage

Toll's vested in the Trustees.

Tolls may be levied by Distress and Sale.

riage of Goods, upon which any Toll or Duty is by this Act imposed, or by Distress of any other of the Goods and Chattles of such Person or Persons who ought to pay the same, and to detain and keep the same until such Tolls or Duties, with the reasonable Charges of such Distress, detaining, and keeping the same, shall be fully paid and satisfied; and, after the Space of Four Days, such Person or Persons so distraining (in case such Tolls, with the reasonable Charges incident to such Distress, as aforesaid, shall remain unpaid or unsatisfied) shall and lawfully may sell the said Horse or Horses, Cattle, Carriage, or other Goods or Chattles so distrained, for Payment thereof, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, Duties, and all reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

Distress may be sold after 4 Days.

Provided always, and be it further enacted by the Authority aforesaid, That no Gate or Turnpike shall be set up or erected on any Part of the said Road within Four Miles of the said Borough of Kirby Kendall, or One Mile of Appleby, nor upon the Road leading from the Grained Tree upon Stainmore, through Winton, to the Town of Kirby Steven.

Proviso.

And be it further enacted by the Authority aforesaid, That the Trustees, or any Seven or more of them, at a publick Meeting assembled, shall, and they are hereby authorized and required to appoint, by Writing under their Hands and Seals, how much and what Proportion of the Tolls granted by this Act shall be demanded and taken at each Turnpike or Toll-bar to be erected by virtue of this Act, so that the Toll to be taken do not exceed, for travelling the whole Length of the said Road, the Tolls already specified and granted by this Act; and that no Person or Persons, having Occasion to pass the Place or Places where the Tolls or Duties are taken, who shall return the same Day before Twelve of the Clock at Night with the same Horse, Ass, Mule, or other Cattle, or the same Coach, Berlin, Landau, Chariot, Chaise, Chaise-marine, Chair, Car, Calash, Caravan, Hearse, Waggon, Wain, Frame, Dray, Cart, or other Carriage, shall be liable or compelled the same Day to pay the said Toll or Duty more than Once, in order to which the Gate-keeper is required to deliver, to each Person requiring it, a Note or Ticket, on producing whereof he shall be permitted to pass, on the same Day, Toll-free, with the same Horse, Beast, Cattle, and Carriage.

Trustees may proportion the Tolls.

Toll to be paid but Once a Day.

and

Penalty on Persons giving or receiving Tickets, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, having paid any of the said Tolls or Duties by this Act granted, and having such Note or Ticket, Notes or Tickets, shall offer, give, or dispose of, the same to any Person or Persons (except the Person or Persons appointed to collect and receive the Tolls hereby made payable) or if any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Cart, Frame, Dray, or other Carriage, go or pass through any Ground, Parcel of Land, or other Place, adjoining to, or lying near, any of the Gates or Turnpikes to be by virtue of this Act erected (the same not being the common Road) or if any Owner or Occupier of any Ground, Land, or Hereditaments, which shall adjoin or lie near to any of the said Gates or Turnpikes, shall knowingly or willingly permit or suffer any Person or Persons, with any Horse, Mare, Gelding, Ox, Mule, Ass, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Caravan, Hearse, Waggon, Wain, Frame, Cart, Dray, or other Carriage, to go or pass through the same Grounds, Land, or Hereditaments; or if any Person or Persons shall, at any Time or Times, take off, or cause to be taken off, any Horse, Ass, Mule, or any other Sort of Cattle, from any Coach, Berlin, Landau, Chariot, Chaise, Calash, Car, Chaise-marine, Chair, Caravan, Hearse, Waggon, Wain, Frame, Cart, Dray, or Carriage, as aforesaid, whereby the Payment of any of the said Tolls shall be evaded, that then, and in either of the aforesaid Cases, every Person so offending, and being thereof convicted, upon the Oath of One or more Witness or Witnesses, before One or more Justice or Justices of the Peace in and for the said County, shall, for every such Offence, forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety shall go and be applied towards amending the said Roads.

Penalty on Persons going thro' or permitting private Passage,

or taking off Horses, &c. to avoid paying the Tolls.

Trustees, with Consent of the Creditors, may lessen the Tolls,

And be it enacted by the Authority aforesaid, That it shall be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, at any Times hereafter,

as

as often and for such Time as they shall think proper, to lessen all or any of the Tolls and Duties by this Act made payable, at any Turnpike or Toll-bar, and so again, as often and for such Time as the said Trustees shall find it necessary, to raise and increase all or any of the said Tolls or Duties, so that the same do not exceed the Tolls and Duties made payable by virtue of this Act.

and raise them again.

Provided always, That Twenty Days Notice shall be given of every Meeting to be held by the Trustees for the Purposes last mentioned, by affixing such Notice upon every Turnpike to be erected by virtue of this Act.

20 Days Notice to be given of Trustees Meeting.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, which shall be erected by virtue of this Act, and of the Materials of which the same shall consist, shall be and are hereby vested in the Trustees appointed or to be appointed by or in pursuance of this Act; and they, or any Five or more of them, are hereby impowered to dispose thereof as they shall think proper; and to bring, or cause any Actions to be brought in the Names of any Five or more of them, or in the Name of their Clerk or Treasurer for the time being; or to prefer, or cause Bills of Indictment, or other Prosecutions, to be preferred against any Person or Persons who shall keep Possession of any Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, after Notice given by the said Trustees, or any Five or more of them, or by their Clerk or Treasurer for the time being, to such Person or Persons so keeping Possession to quit the same, or against any Person or Persons who shall dig up, break or pull down, steal, take, or carry away, spoil, injure, or destroy, any such Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, or any Part thereof.

Property of the Turnpikes and Toll-houses, &c. vested in the Trustees.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, may, and are hereby authorized and impowered to chuse a Clerk or Clerks, Treasurer or Treasurers, and appoint a Collector or Collectors of the Tolls or Duties aforesaid; and also a Surveyor or Surveyors, to view the Condition of the said Roads, and to see that the same be repaired; and such other Officers as they, or any Seven or more of them, shall think necessary for the Execution of this Act; and from time to time to remove such Clerks, Treasurers, Collectors, Surveyors, and other Officers, as they shall see Occasion, and to appoint new ones on their Death or Removal: And all Persons who shall be appointed as aforesaid to receive the said Tolls or Duties, or any Monies which shall be raised, collected, or received, by virtue of this Act, shall, upon Oath,

Trustees may appoint Officers;

and remove them, and appoint others.

Officers to account upon Oath.

when thereunto required by the said Trustees, or any Three or more of them (which Oath the said Trustees are hereby impowered to administer) on the First Tuesday in every Month, or oftener, if the said Trustees, or any Three or more of them, shall so require, give in a true, exact, and perfect Account in Writing to the said Trustees, or any Three or more of them, of all Monies which such Persons shall to such Time respectively have received by virtue of this Act, and how, and to whom, and for what Uses, such Monies, and every Part thereof, hath or shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and in case any Money so received shall remain in their respective Hands, the same shall be paid to the said Trustees, or any Three or more of them, or to such Person or Persons as they, or any Three or more of them, shall impower to receive the same, and shall be laid out and disposed of according to the true Intent and Meaning of this Act: And the said Trustees, or any Seven or more of them, may and shall, out of the said Tolls or Duties, make such Allowance to the said Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, and to such other Persons as shall be assisting to them, or any or either of them, in or about repairing or widening the said Roads, or any Part thereof, as to the said Trustees, or any Seven or more of them, shall seem reasonable: And in case such Collectors, Receivers, Clerks, Treasurers, or other Officers, or any of them, shall not give in such Account, and make such Payment, or produce and deliver up the Receipts and Vouchers relating to the same, or verify the Articles thereof, on Oath, when required so to do; then, and in either of the Cases aforesaid, any One or more Justice or Justices of the Peace for the said County shall make Enquiry concerning such Default, in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath; and if such Person shall be thereof convicted, such Justice or Justices shall commit the Party to the common Gaol of the said County, there to remain, without Bail or Mainprize, until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded and agreed with such Trustees, or any Three or more of them, and have paid such Composition to the said Treasurer or Treasurers, or other Officer or Officers, to be by them appointed to receive the same; which Composition the said Trustees, or any Three or more of them, at any Meeting, are hereby impowered to make.

Trustees to allow Officers Salaries.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender to Gaol,

till Payment or Composition made.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, or such Person or Persons as he, or any Five or more of the said Trustees, shall appoint, to dig, gather, take, and carry away, or cause to be digged, gathered, taken, or carried away, any Gravel, Sand, Stones, or other Materials for repairing the said Roads, out of any River, Brook, waste or common Ground, in any Parish, Town, Village, or Hamlet, wherein or near which the said Roads, or any Part thereof, do lie, without paying any thing for such Materials: And where there are not sufficient Quantities of Gravel, Sand, Stones, or other Materials, proper for that Purpose, to be had or found in, upon, out of, or from, such River, Brook, waste or common Grounds, it shall and may be lawful to and for the said Trustees, or any Five or more of them, or the said Surveyor or Surveyors, or any other Person or Persons by them employed (having an Order from the said Trustees, or any Five or more of them) to dig, gather, take, and carry away, or cause to be digged, gathered, taken, and carried away, any Quantity or Quantities of Gravel, Sand, Stones, or other Materials, proper and sufficient for that Purpose, in, upon, out of, or from, the Lands, Fields, or Grounds of any Person or Persons where the same may be had or found, to be used, disposed of, and applied, in and towards repairing the said Roads (such Lands, Fields, or Grounds not being the Site of any House or Houses, or a Yard, Garden, Orchard, planted Walk, or Avenue to any House, or any Piece or Parcel of inclosed Ground, set apart or used as a Plantation or Nursery of Trees) they the said Trustees, Surveyor or Surveyors, or other Person or Persons, or some or One of them, paying, or offering to pay, to the respective Owners or Occupiers of such Lands, Fields, or Grounds, in, from, or over which such Materials shall be digged, cut, taken, and carried away, such Sum and Sums of Money for the same, and the Damage they shall respectively sustain thereby, as the said Trustees, or any Five or more of them, shall judge reasonable: And in case of any Difference between the said Trustees, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, or any or either of them, concerning such Damages as aforesaid, the Justices of the Peace at the next General Quarter Session to be holden for the said County of Westmoreland, or the major Part of them present (on Ten Days Notice thereof being given in Writing by the said Surveyor or Surveyors to the said Owner or Occupier,

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

without paying for the same:

If sufficient Materials cannot be had there, they may be taken from private Grounds;

making Satisfaction to the Owners of the Grounds.

Justices to determine Differences.

pier, Owners or Occupiers, or by the said Owner or Occupier, Owners or Occupiers, to the said Surveyor or Surveyors, or left at their respective Places of Abode, with some or One of their respective Families) shall hear, settle, and determine the Matter of such Damage, and the Judgement or Order of such Justices therein shall be final and conclusive to all Parties.

Surveyors may get Materials from Quarries,

Provided always, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, or their Surveyor or Surveyors, or any other Person or Persons employed or directed so to do by the said Trustees, or any Three or more of them, or by the said Surveyor or Surveyors, may, and they are hereby authorized to enter into any Quarry, and to take and carry away the Chipping, Rubbish, and Refuse therein, without paying any thing for the same, the Owner or Occupier of such Quarry being present, or Notice being given to such Owner or Occupier, or to some or One of his Family, at least Twenty four Hours before such taking and carrying away as aforesaid.

without paying for the same.

Surveyors may make Causeways,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, or the Surveyor or Surveyors by them appointed as aforesaid, or any other Person or Persons by them or either of them appointed or employed, may, and is and are hereby authorized and impowered (they the said Surveyor or Surveyors, or other Persons, having a Warrant or Order from and under the Hands of the said Trustees, or any Three or more of them, for those Purposes respectively) to make, or cause to be made, any Causeway or Causeways in or along the Side or Sides of any Part or Parts of the said Roads; and shall and may erect or build, or cause to be erected or built, any Bridges or Arches of Stone, Brick, or Timber, upon, in, or across, the said Roads, or any Part thereof; and may and shall make, raise, or erect, any Mounds or Banks, or dig or cut, or cause to be digged or cut, any Drains or Watercourses, in, through, or across, any Lands or Grounds, to prevent the said Roads, or any Part or Parts thereof, from being overflowed; and erect Bridges over such Drains or Watercourses, if necessary; making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds, for the Damages they may thereby sustain, as to the said Trustees, or any Three or more of them, shall seem meet.

erect Bridges, &c.

and cut Drains, &c.

making Satisfaction to the Owners of the Grounds.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, and such Person or Persons as he or they

they shall appoint, from time to time, to remove and carry all Annoyances on any Part of the Roads aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, across, or out of, the said Roads, to the Prejudice thereof; and to open, scour, or cleanse, any Watercourses or Ditches adjoining to the said Roads; and make the same as deep and large as he or they shall think proper or necessary, and to make any new Drains adjoining to the said Roads, so as the same be not made through any Garden, Orchard, Yard, planted Walk, or Avenue to a House, or any Plantation or Nursery for Trees; and to grub up or cut down, lop, or top, any Trees or Bushes growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers of the Premisses shall neglect to remove such Annoyances, or to grub up, cut down, lop, or top, and carry away, such Trees or Bushes as aforesaid, or to open, scour, or cleanse, such Watercourses or Ditches, or to make such Drains as may be necessary, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hand or Hands of the Surveyor or Surveyors, or of the said Trustees, or any Three or more of them, the Charges whereof shall be settled by the said Trustees, or any Three or more of them, and reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers so neglecting to grub up, cut down, lop, top, and carry away, such Trees or Bushes, or to open, scour, or cleanse, such Watercourses or Ditches, or to make such Drains, or to remove such other Annoyances as aforesaid, such Charges to be recovered, levied, and disposed of, in such Manner as the Penalties and Forfeitures by this Act imposed are herein after directed to be recovered, levied and disposed of: And if, after Removal of any of the said Annoyances, any Person shall again offend in the like Kind, every such Person, so offending, and being thereof convicted on Oath before One or more Justice or Justices of the Peace for the said County, shall, for every such Offence, forfeit unto the said Trustees the Sum of Twenty Shillings, to be disposed of and applied in repairing the said Roads.

turn Watercourses, &c.

and cut down Trees, &c.

Owners neglecting to cut their Hedges, and scour their Ditches, &c.

And whereas it may be proper, in some Cases, to widen the said Roads, or to divert and turn the Course thereof, in order to render the said Roads more proper or convenient for Travellers and Carriages than the present Roads are; be it therefore further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them,

Trustees may contract with Persons for the Purchase of Lands, &c.

them, are hereby authorized and impowered, at any Time or Times during the Continuance of this Act, in case they shall think proper to widen, turn, or alter, the Course of any of the said respective Roads, or any Part or Parts thereof, and to make any new and additional Road or Roads contiguous or near to any of the respective Roads by this Act directed to be amended or repaired, for the better Accommodation of Coaches, Carriages, and Travellers; and for that Purpose they the said Trustees, or any Three or more of them, shall have full Power and Authority, from time to time, during the Continuance of this Act, to treat, contract, and agree, with the several Owners, Proprietors, Occupiers of, and Persons interested in, any Lands, Grounds, or Hereditaments, lying contiguous or near to any Road or Roads so to be widened, turned, or altered, or through or over which any new Road or Roads shall or may be made, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers of, and Persons so interested, or any of them, shall, or may any wise sustain by such widening, turning, or altering, any such Road or Roads, or any Part or Parts thereof, or by making any such new and additional Road or Roads as aforesaid; and, out of the Tolls and Duties by this Act granted, and out of any Monies borrowed and to be borrowed on the Credit thereof, to pay for such Lands, Grounds, and Hereditaments, and for such Loss and Damage, such Sum and Sums of Money as shall be agreed upon between the Owners, Proprietors, Occupiers, and Persons interested, as aforesaid, and the said Trustees, or any Three or more of them, and also the Costs and Charges attending such Agreement and Purchase.

And whereas it may happen that some Persons or Bodies Politick, Corporate, or Collegiate, 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 respective Roads, for turning, widening, altering, or amending, the same, or for making any new Road or Roads as aforesaid, and may be incapable of granting or conveying such Lands, Grounds, and Hereditaments, by reason of Infancy, or other Disability; be it further enacted by the Authority aforesaid, That it shall and may be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, and other Trustees whatsoever, for and on

Bodies Politick, &c. may treat for the Sale of Lands, &c.

Behalf

Behalf of any Infants, Femes-covert, or Cestuique Trusts, and for all and every Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, or Hereditaments, to treat, contract, and agree with the said Trustees, or any Three or more of them, for the Purchase of such Lands, Grounds, or Hereditaments, or any Part or Parts thereof, and for their Interest therein, 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 and effectual in the Law, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in any wise notwithstanding; and all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Corporations Aggregate and Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

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

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Trustees, or other Person or Persons, interested in any Lands, Grounds, or Hereditaments, upon Notice to them given, or left in Writing at the Dwelling-house or Houses, or Place or Places of Abode, of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, or Hereditaments, so to be taken in and added to the said respective Roads, or any of them, or into which such Road or Roads is to be turned or altered, or through or over which such new and additional Road or Roads shall be made as aforesaid, shall, by the Space of Fourteen 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 any Three or more of them, shall cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Westmoreland (which Oaths any Three or more of the said Trustees are hereby impowered and required to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, such Owners, Occupiers, or Proprietors, or other Person or Persons interested as aforesaid, for or upon account of the taking of such Lands, Grounds, or Hereditaments, into the said Road or Roads, or of

Jury to settle the Recompence and Damage, &c.

turning such Road or Roads into, or of making such new Road or Roads over the same; and in order thereto, the said Trustees, or any Three or more of them, are hereby impowered and required, from time to time, as Occasion shall be or require, 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 Three or more of the said Trustees are hereby impowered and directed to administer) and they shall also order and cause 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 in the Premisses, as they the said Trustees, or any Three or more of them, shall think fit; and after the said Jury shall have inquired of, ascertained, and settled, such Damage and Recompence, they the said Trustees, or any Three or more of them, shall thereupon order, adjudge, and determine, the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of, or other 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 whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any other Disabilities whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all and every other Person or Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways 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: And for the summoning and returning such Jury or Juries, the said Trustees, or any Three or more of them, are hereby impowered to issue out a Warrant or Warrants to the Sheriff of the said County of Westmoreland, thereby commanding and requiring him to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, to appear before the said Trustees, or any Three or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff, or his Deputy

Witnesses to be summoned, and examined upon Oath.

Verdict of the Jury to be final and conclusive.

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

Deputy or Deputies, is and are hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any Three 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 against any of the said Jurymen, when they come to be sworn: And the said Trustees, or any Three 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, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any Person or Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn, shall refuse or neglect to give their Verdict, or in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons, who being required to give Evidence before the said Jury touching the Premisses, shall refuse or neglect to appear, or appearing, who shall refuse to be examined and give Evidence, and, from time to time, to levy such Fine or Fines, in the same Manner as any other Forfeiture or Penalty is herein after directed to be levied, so as no such Fine shall exceed the Sum of Ten Pounds, upon any One Person for One Offence; and that all such Fines shall be applied for such Uses, and in such Manner, as the Tolls hereby granted are to be applied.

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

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

And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed as aforesaid, shall be, and is hereby charged and chargeable upon the Monies which shall be raised, received, or borrowed, by virtue of this Act, and shall be paid thereout accordingly to the Persons respectively intitled thereto, or to their Agents; and that upon Payment thereof, or Tender thereof, to such Persons or their Agents, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of

the

Lands purchased to be deemed Part of the Road.

the Clerk to the said Trustees, for the Use of such Persons, and after Ten Days Notice thereof given to such Persons, or their Agents, to receive such Money, Consideration, Recompence, or Satisfaction, it shall and may be lawful for the said Trustees, or any Three or more of them, their Surveyors, Workmen, or Agents, to take into and add to the said Road or Roads, or to make any new and additional Road or Roads, over and through such Grounds, Lands, and Hereditaments, and to do all and every such Act, Matter, and Thing, with relation to such Lands, Grounds, or Hereditaments, as the said Trustees, or any Seven or more of them, shall think fit and proper: And after the Purchase of the said Lands, Grounds, or Hereditaments, or Adjudication of the Value thereof made, and Tender of Payment and Notice given as aforesaid, such Lands, Grounds, and Hereditaments, shall be laid into or added to, and made Part of, the said Road or Roads, in such Manner as the said Trustees, or any Seven or more of them, shall order and direct; and shall be by them, or such Person or Persons as they, or any Three or more of them, shall appoint, sufficiently drained, ditched, fenced, and set out for that Purpose; and after such draining, ditching, fencing, and setting out, the said Lands, Grounds, or Hereditaments, shall, to all Intents whatsoever, become and be, and be deemed and taken to be, a publick and common Highway, and be from thenceforth deemed to be Part of the said Road or Roads for ever after, and shall be repaired and kept in Repair by such Ways and Methods, and in all Respects, as the respective old Roads, lying near or adjoining to any such new or additional Road or Roads, are and ought to be kept in Repair.

Buildings, &c. not to be injured.

Provided always, and be it enacted by the Authority aforesaid, That in widening, turning, or diverting, any Part or Parts of the said Roads, or making such new or additional Road or Roads as aforesaid, nothing shall be done which shall or may in any wise injure or damage any House or Building, or any Yard, Garden, Orchard, Plantation, or Nursery of Trees, or any Walk of Trees, or Avenue to any House.

Road not to be carried over the Lands of the Countess of *Suffolk* and *Berks*, without Leave.

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 divert, turn, enlarge, or carry, the said Road, or any Part thereof, into, through, or over, any of the Lands, Grounds, or Hereditaments, of or belonging to the Right Honourable the Countess of Suffolk and Berkshire, without the Licence and Consent of the said Countess, her Heirs or Assigns, by Writing under her or their Hand or

Hands, Seal or Seals, first had and obtained for that Purpose.

Lands purchased to be deemed Part of the Road

And forasmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act imposed or granted, will not be sufficient for the speedy amending the Roads hereby directed to be repaired; be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall, and they are hereby impowered, from time to time, by any Writing or Instrument, under their Hands and Seals, without any Stamp to be impressed thereon, to assign over the said Tolls or Duties, or any Part thereof (the Costs and Charges of such Assignment to be borne and paid out of such Tolls or Duties) for the whole Time or Term for which the same are hereby made payable, or any Part of such Time or Term, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or his, her, or their Trustees, as shall advance and lend such Money, to secure the Repayment thereof, by and out of the Monies arising or to be collected by the said Tolls or Duties, with such Interest for the same, as the said Trustees, or any Seven or more of them, shall think fit and agree to give, not exceeding legal Interest; which said Money so borrowed, shall (after paying the Expences of obtaining this present Act) be applied and disposed of as the said Tolls or Duties are to be applied and disposed of by virtue hereof, and to no other Use or Purpose whatsoever: And no Preference shall be given to any Person or Persons advancing any Part or Parts of the Sum so borrowed, in respect of the Priority of advancing his, her, or their Part or Parts thereof; but that all such Lenders and Persons to whom such Assignments shall be made as aforesaid, shall (so far as the said gross Sum shall extend) be, and are hereby declared to be, Creditors on the said Tolls or Duties in an equal Degree one with another; and that all and every the original Assignment and Assignments, so to be made by the said Trustees, for securing such Sum or Sums of Money, shall be entered at Length in a Book to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers; which said Book shall and may be perused, at all seasonable Times, by any Person or Persons whatsoever, without Fee or Reward: But no Money shall be borrowed by the said Trustees, upon the Credit of the said Tolls, after their First Meeting, unless Fourteen Days Notice be previously given thereof, by Writing, under the Hand of the Clerk to the said Trustees, to be by Order of the said Trustees, or any

Tolls may be assigned for Money borrowed.

All Creditors to be deemed equal in Degree.

Assignments to be entered in a Book.

Notice to be given of borrowing Money.

Three

Three or more of them, assured on all the Turnpikes erected by virtue of this Act.

Assignments may be transferred.

And be it further enacted, That all and every Person and Persons, to whom any such Assignment or Assignments shall be made by the said Trustees, or any Seven or more of them, or who shall be intitled to the Money thereby secured, may, and are hereby impowered from time to time, by Words of Assignment, to be indorsed on his, her, or their Security or Securities, to assign or transfer such Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whatsoever; and 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 the same again, and so toties quoties.

Assignments to be entered in a Book, &c.

Provided always, That all such Assignments or Indorsements of such Securities, as exceed the Sum of One hundred Pounds, shall be entered in a Book to be kept for that Purpose by the respective Clerk or Clerks, Treasurer or Treasurers, for the time being; and in case any Security, so assigned, shall not exceed the Sum of One hundred Pounds, it shall and may be lawful to and for the respective Person or Persons, then intitled to such Security or Assignment respectively, by an Indorsement of his, her, or their proper Name, without Witness, to transfer his, her, or their Property in such Security, Assignment or Assignments, to any other Person or Persons, without any Entry to be made with the Clerk or Treasurer, and so toties quoties, as often as they shall think fit.

Exemptions from Tolls.

Provided always, and it is hereby declared and enacted, That no Tolls or Duties shall be demanded or taken at any Turnpike to be erected by virtue of this Act, for any Person going to or returning from any Election of a Knight or Knights of the Shire, to serve in Parliament for the said County, or of a Burgess or Burgesses for the Borough of Appleby, on the Day or Days of such Election, and One Day next before and after the same; nor for any Waggon, Wain, Cart, or other Carriage; or for any Horse, or other Beast, drawing or carrying any Materials for repairing any Road or Highway, or any Dung, Lime, Mold, Soil, or Compost for manuring any Lands or Grounds, or any Grass, Hay, Corn in the Straw, or Coals, Wood, Heath, Furze, Lying Turf or Peat for Fuel, or any Ploughs, Harrows, or other Implements

Implements of Husbandry, to be used for the tilling or manuring of Lands; or for any Person residing in any of the respective Parishes within the said County, who shall pass to and from Church, Chapel, or other lawful Place of Religious Worship, on Sundays, or who shall attend the Funeral of any Person who shall die, or be buried in any of the Parishes in which any of the said Roads do lie; or for any Horse, Horses, or other Cattle, going to or from Water or Pasture, not above One Mile distant from such Turnpike-gate respectively; or for any Post-horse carrying or drawing the Mail or Packet; or for the Horses of any Officers or Soldiers passing on their March, or for Horses or Carriages belonging to and passing with them, or carrying their Baggage; or for Horses or Carriages travelling with Vagrants sent by Passes.

Provided also, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person shall forfeit and pay the Sum of Twenty Shillings, to be recovered and applied in Manner hereinafter directed. Penalty on making illegal Claims.

Provided also, and it is hereby enacted, That all Persons who by Law are obliged or liable to perform the Work in the Highways, for the repairing thereof, commonly called Statute-work, or chargeable towards amending the same, shall still remain liable and chargeable, and do their respective Works in the Parishes or Townships respectively in which the said Roads do lie, in such Manner as such Persons ought to have done before the Passing of this Act; and shall and are hereby required to do and perform such and so many Days Work in such Parts of the said Roads by this Act directed to be repaired, and lying within the Parishes, Towns, Hamlets, or Places, in which such Inhabitants respectively shall live, and at such Times, and in such Manner, as the said Trustees, or any Three or more of them, or the Surveyor or Surveyors by them authorized, shall direct or appoint; and that every Inhabitant of the said Towns, Parishes, Hamlets, or Places respectively, who shall keep a Horse, Mare, or Gelding, and a Cart, shall send the same, with able Persons to work therewith, according to the Laws now in being for and towards repairing the said Highways, on such Days, and under the like Penalties for Default, as are now by Law appointed; and the said Turnpike Surveyor shall attend at the respective Days and Places of the Statute-work to be done, and lay out the Road, and direct the Manner in which such Road respectively shall be formed and made; and the Surveyors of the several Pa-

Persons chargeable to the Repair of the Highways, to continue so.

Inhabitants to do Statute-work.

rishes or Townships respectively; and the Workmen under their Charge shall be subject, in the repairing of such Roads, to the Orders of the said Turnpike Surveyor.

Surveyors may appeal to the Quarter Sessions to proportion the Statute-work.

Provided, That if any such Surveyor of any Parish or Township, or any Labourer under his Charge, or other Inhabitant, shall think himself aggrieved by any thing done by the said Turnpike Surveyor, or by the said Trustees, or any Three or more of them, in the Premisses, he may (on giving Fourteen Days Notice in Writing) appeal to the next General Quarter Sessions of the Peace to be holden for the said County, and the Justices then and there shall finally hear and determine the same, whose Order therein shall be conclusive.

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 Surveyor or Surveyors of the Highways for the respective Townships, Parishes, or Hamlets, wherein any Part of the said Roads do lie, shall, and are hereby required, at the First Meeting of the said Trustees after the First Day of January, in every Year during the Continuance of this Act (Ten Days Notice of such Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the said Trustees true and perfect Lists, in Writing, before such Trustees, or any Three or more of them, upon Oath (which Oath they are hereby impowered to administer) of the Names of the several Persons who, within each Township, Parish, or Hamlet respectively, are obliged by this Act, or by any other Law, to do their Statute-work for that Year: And in case any of the said Surveyors of the Highways shall refuse or neglect to deliver in true and perfect Lists as aforesaid, then every such Surveyor shall, for every such Neglect or Refusal, forfeit the Sum of Five Pounds.

Penalty on Surveyors not delivering in such Lists.

Surveyors, with Consent of the Inhabitants, may compound with Trustees for Statute-work, &c.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the Surveyor or Surveyors of the Highways of any of the said Parishes or Townships (by and with the Consent of the Inhabitants of such Parishes or Townships first had at a Vestry or other publick Meeting of such Inhabitants) to compound and agree by the Year, or otherwise, with the Trustees, or any Five or more of them, for or in lieu of the Statute-work to be performed by the Inhabitants of such Parishes or Townships upon any Part of the said Roads: And if such or any future Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid, or levied on him or them, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies

Surveyors paying Composition-money, how to be reimbursed.

by

by them expended in buying Materials for repairing the Highways: And in case such Composition-money shall not be paid to the said Trustees, or any Three or more of them, or to such Persons as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded, it shall be lawful for any One or more Justice or Justices of the Peace within the said County (upon Oath made before him or them of such Default) and he and they is and are hereby required to issue a Warrant, under his Hand and Seal, or under their Hands and Seals, impowering such Person, so by the said Trustees, or any Three or more of them, appointed to receive such Composition-money, to levy the same, by Distress of the Goods and Chattles of the Surveyor or Surveyors of the Highways, for the time being, of the said Parish or Parishes, Township or Townships, respectively; and such Goods and Chattles so distrained, after the Space of Four Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; which Composition-money shall be, by the said Trustees, or any Three or more of them, applied towards amending the said Road, and to no other Use or Purpose whatsoever.

Composition-money how to be recovered and applied.

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 Seven 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 a Plantation or Nursery of Trees) to be made use of by any Passengers with Horses, Coaches, or Carriages, or otherwise, as a publick 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 Damage such Owners or Occupiers respectively shall or may sustain thereby,

Surveyors may make a temporary Road.

making Satisfaction to the Owners of the Grounds.

thereby, as shall be adjudged by the said Trustees for the time being, or any Seven or more of them: And in case any Difference shall happen between such 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 Westmoreland, to hear, settle, adjudge, and finally determine the same.

Justices may determine Differences.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of of the Peace for the said County of Westmoreland, at any of their respective General Quarter Sessions to be holden for the said County, after Christmas in each Year, if they think fit, to appoint One or more Person or Persons of the said County to survey and view the said Roads by this Act directed to be amended, and to enquire of and concerning the Application of the Tolls and Duties taken and received in pursuance of this Act; and in case such Person or Persons so appointed shall find any Misapplication of the Monies collected, levied, or raised, by virtue of this Act, or any other Abuses of the Powers and Authorities hereby given, such Person or Persons shall thereupon certify the same to the said Justices of the Peace, at any of their Quarter Sessions to be held for the said County, who are hereby authorized, impowered, and required to hear, examine, and finally determine the same, without any further or other Appeal: And all and every such Sum or Sums of Money, or other Satisfaction, as the said Justices, at any of their Quarter Sessions to be holden as aforesaid, or the major Part of them then present, shall think fit to order and direct to be paid or given, shall, by the Person or Persons making such Misapplication, or committing such Abuses, and so ordered to pay, be paid to the Treasurer of the said Turnpike or Turnpikes for the time being, within Ten Days next after such Determination and Demand thereof made; and in Default thereof, it shall be lawful for the said Justices, at their next General Quarter Sessions, or the major Part of them then present, from time to time, after such Determination made, by Warrant, to levy the same by Distress and Sale of the Offender's Goods, returning the Overplus (if any) after deducting the Costs and Charges of such Distress and Sale, to the Person or Persons so neglecting to make such Payment or Satisfaction; and, for want of sufficient Distress to be found for that Purpose, to commit the Person or Persons to the common Gaol

Gaol of the said County, there to remain without Bail or Mainprize, until Payment or Satisfaction shall be made as aforesaid.

Trustees may compound with Travellers.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered to compound or agree with any Person or Persons, whose Dwelling shall be within the Distance of Half a Mile of any Turnpike-gate to be erected by virtue of this Act, for passing through such Gate only (and with no other Person) for any Sum or Sums of Money, to be paid annually, or otherwise, in lieu of the said Tolls or Duties granted by this Act.

Roads to be measured, and Mile stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, shall direct, and they are hereby required, to cause the said Roads to be measured, and Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from each other, denoting the Distance of every such Stone or Post from London, or any other Place, as to the said Trustees, or any Three or more of them, shall seem meet: And if any Person shall wilfully and maliciously break, pull up, injure, or destroy, any of such Stones or Posts as shall be so erected, or shall obliterate or deface any of the Letters, Figures, or Marks, which shall be inscribed thereon, every such Person so offending shall forfeit the Sum of Forty Shillings for every such Offence; One Moiety whereof shall go to the Informer, and the other Moiety shall be laid out and applied in repairing such Stones or Posts, or in supplying of new ones in their Stead; and if there shall be any Overplus, the same shall be laid out in repairing the Roads directed to be repaired by this Act; and in case such Offender shall have no Goods or Chattles, then it shall be lawful for the said Trustees, or any Three or more of them, or any One or more Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal, or Hands and Seals respectively, to commit such Offender to the House of Correction of the Division or Place where the Offender shall be convicted for the Space of One Calendar Month, or until he or they shall have paid the said Sum of Forty Shillings.

Penalty on defacing Milestones, &c.

Penalties and Forfeitures how to be recovered and applied.

And be it enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals

of Two or more Justices of the Peace for the said County, which Warrants the said Justices are hereby impowered and required to grant, upon the Confession of the Party or Parties, or upon the Testimony of One or more credible Witness or Witnesses upon Oath; and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charge of such Distress and Sale being first deducted) shall be paid to the said Trustees, or any Three or more of them, or to their Treasurer or Treasurers, and shall by them respectively be applied (if not otherwise directed to be applied by this Act) for and towards amending the said Roads.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Person or Persons shall think himself, herself, or themselves aggrieved, by any Act, Order, or Judgement, done, made, or awarded, in pursuance of this Act, and for which no particular Method of Relief hath been already hereby appointed, it shall be lawful for him, her, or them, to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace to be held for the said County, he, she, or they, causing Fourteen Days Notice in Writing, of such Appeal, and of the Cause or Matter thereof, to be given to the Person or Persons, on whose Evidence such Act, Order, or Judgement, shall be so done, made, or awarded, and to some or One of the Collectors or Receivers of the said Tolls; which said Justices, so assembled, are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any such Person in a summary Way; and the Orders and Judgements of the said Justices shall be final and conclusive to all Parties concerned or interested therein.

Proceedings not to be quash'd for want of Form;

Provided also, and be it further enacted by the Authority aforesaid, That no Conviction, Judgement, or Order, of the said Justices, to be had, touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form, or be removeable by Certiorari, or any other Process, into any of His Majesty's Courts of Record at Westminster.

nor removeable by *Certiorari*.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and the several Authorities and Powers hereby given, shall take Place and have Continuance from the Fourth Day of May, in the Year of our Lord One thousand seven hundred and sixty one, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

And be it further enacted by the Authority aforesaid, That when and as often as any of the said Trustees shall die, or refuse to act, it shall be lawful for the surviving Trustees, or any Seven or more of them, from time to time, to elect and appoint One or more fit Person or Persons to be a Trustee or Trustees in the room of such Trustee or Trustees so deceased, or refusing to act; and Notice in Writing, of the Time and Place of Meeting for the Election of every such new Trustee, shall be fixed at all the Turnpikes to be erected by virtue of this Act, at least Fourteen Days before the Meeting for such Election; and all such Persons as shall, from time to time, be so chosen and appointed, being duly qualified as herein before directed, shall be joined with such surviving Trustees, and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act.

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

Notice of Election to be given.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed, or any Seven or more of them, shall meet together at the House of Richard Noble at Burrowbridge, in the County of Westmoreland, upon the said Road, upon the Fifth Day of May, One thousand seven hundred and sixty one, and shall proceed to the Execution of this Act; and shall then adjourn themselves, and afterwards meet at the Place aforesaid, or at any other Place within Two Miles of Burrowbridge aforesaid, as the said Trustees, or the major Part of them, shall think proper, as often as it shall be necessary for putting this Act in Execution: And if it shall happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act at any such Meeting, and to adjourn themselves; the Clerk to the said Trustees shall, by publick Notice in Writing, to be affixed at or on all the Turnpikes which shall be erected by virtue of this Act, at least Ten Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, on that Day Three Weeks from the Day on which such Meeting was appointed to be held; and that the said Trustees shall, at all their Meetings, defray their own Charges and Expences.

Time and Place of Trustees Meeting.

In Default of a sufficient Number to act,

Notice to be given of another Meeting.

Trustees to defray their own Expences.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their

Treasurer to give Security.

said

said Office or Offices, as the said Trustees, or any Seven or more of them, shall think fit.

No Trustee to accept of a Place of Profit arising from the Tolls.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person, appointed a Trustee by virtue of this Act, shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit.

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

And that no Innholder, Victualler, or Person who shall sell any Spirituous or Fermented Liquors by Retail, or any Person or Persons who shall carry any Goods for Hire, or have, use, or exercise, the Occupation of a common Carrier, shall be capable of holding or enjoying any Office or Place of Trust or Profit under this Act.

Trustees in the Commission of the Peace may act as Justices.

Provided also, and be it further enacted by the Authority aforesaid, That such of the said Trustees as are or shall be in the Commission of the Peace for the said County of Westmoreland, may, and are hereby authorized and impowered to act as Justices of the Peace in the Execution of the several Powers hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

Proceedings to be enter'd in a Book, &c.

And be it further enacted by the Authority aforesaid, That full, true, and fair Accounts and Entries of all the Monies that shall be collected and received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes; and the said Accounts of all Receipts and Disbursements shall be settled and audited twice in each Year at the least, that is to say, at the First Meeting of the said Trustees which shall be held after the Feast of the Annunciation of the Blessed Virgin Mary, and likewise at the First Meeting to be held after the Feast of Saint Michael the Archangel in each Year; and Copies of all the said Accounts of Receipts and Disbursements of all the Money arising by virtue of this Act, when so audited and passed by the said Trustees, or any Three of them, shall be filed in the Office of the Clerk of the Peace for the said County of Westmoreland, to be seen and perused at all seasonable Times, by any Person or Persons gratis; and all and every Person and Persons, who shall demand the same, shall be intitled to a Copy thereof, paying for the same at the Rate of Four Pence a Sheet, each Sheet to consist of Seventy two Words.

Provided

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, Mortgage, Assignment, Transfer, or other Security, for the borrowing of Money, 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 by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of, any of the Powers or Authorities hereby vested in such Trustee or Trustees, or Justice or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

No Order made shall be repealed, unless Trustees be present.

And be it further enacted by the Authority aforesaid, That no Order made by the said Trustees, or any Three or more of them, in, for, or concerning, the executing the Trusts, Powers, and Authorities, of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Seven Trustees shall be then present, and Five of them at least shall concur in revoking or repealing the same, or, if more than Seven be present, then at least Two Thirds of the whole Number to concur as aforesaid in revoking or repealing the same.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought against any Person or Persons, for any thing done or to be done in pursuance of this Act, the same shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be laid, brought, and tried within the County of Westmoreland, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue; and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon; and that the Matter or Thing for which such Action or Suit shall be so brought, was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or if any such Action or Suit shall be commenced after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then the Jury shall find for the Defendant or Defendants: And upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble

General Issue.

Treble Costs.

ble Costs, and have such Remedy for recovering the same, as any Defendant or Defendants hath or have in other Cases by Law.

Publick Act.

II. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, 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.

FINIS.