Anno ſecundo

Georgii III. Regis.

An Act for widening, repairing, and amending the Road from *Hesket* by *Yewes Bridge*, to *Cockermouth*; and from thence by *Lorton* over *Whinlatter*, to *Keſwick*, in the County of *Cumberland*; and from *Keſwick*, by *Dummail Rays* and *Ambleſide*, to *Kirby* in *Kendall*, in the County of *Weſtmorland*; and from *Plumbgarth's Croſs*, near *Kirby* in *Kendall* aforeſaid, to the Lake called *Windermere*, in the County of *Weſtmorland*; and from *Keſwick* aforeſaid, to the Town of *Penrith*, in the County of *Cumberland*.

WHereas the Roads leading from the Town of Hesket Newmarket, in the County of Cumberland, by Yewes Bridge, to the Borough of Cockermouth, in the ſaid County; and from thence by Lorton over Whinlatter, to Keſwick, in the ſaid County; and from Keſwick, by Dummail Rays, to Ambleſide; and from thence by Plumbgarth Croſs, to the Borough of Kirkby in Kendal, in the County of Weſtmorland, and likewiſe the Road from Plumbgarth Croſs, near the ſaid Borough of Kirkby in Kendal, to the Lake called Windermere or Winandermere, in the ſaid County of Weſtmorland; and alſo the Road leading from Keſwick aforeſaid, over Hutton Moor, by Stainton to Penrith, in the ſaid County of Cumberland, Preamble.

Cumberland, are in many Places narrow, and so tortuous, that they cannot be widened and amended by the ordinary Course of Law: May it therefore 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 Sir James Lowther, Sir John Pennington, Sir Wilfrid Lawson, Sir Philip Musgrave, Sir Hedworth Williamson, Sir George Dalston, Sir Michael Fleming, Baronets; Sir John Mordaunt, Knight of the Bath, Sir William Dalston, Knight, Robert Lowther, Henry Curwen, Raby Vane, Charles Jenkinson, Edward Hassell, Edward Stephenson, Andrew Huddleston, Henry Aglionby, Timothy Featherstonhaugh, William Hassel, William Milbourne, John Richardson, Humphry Senhouse, Joshua Lucock, Robert Lamplugh, John Christian, Humphry Senhouse the younger, Richard Lamplugh, George Irton, Richard Cooke, John Ponsonby, Peter How, John Gale, John Senhouse, Joseph Burrow, Christopher Wilson, William Browne, Charles Lutwidge, Lancelot Simpson, John Adderton, Andrew Huddleston the younger, Thomas Simpson, John Raincock, Hugh Simpson, Joseph Deane, Thomas Lutwidge, John Robinson, John Langton, Charles Howard, Walter Fletcher, Henry Blencow, John Gasgarth, John Fenton Clark, John Robinson, Esquires; the Reverend Edmund Law D. D. the Reverend Christopher Musgrave D. D. Curwen Huddleston, Thomas Christian, John Cooper, William Thomas Addison, Thomas Sewel, Thomas Spedding, [illegible] Starkie, William Richardson, Clerks; the Bailiff of the Borough of Cockermouth for the time being, Matthew Greaves, William Cookson, William Munkhouse, John Brougham, Richard Baynes, Richard Radcliff, Charles Christian, Robert Baynes, John Lucock, James Spedding, William Fletcher, Edmond Gibson, Timothy Nicholson, Henry Ellison, Gabriel Griffith, Henry Littledale, Peter Gale, John Craike, Thomas Granger, Thomas Laithes, Roger Williamson, John Fisher, Joseph Wane, Joseph Iredale, Joseph Wren, Robert Crosthwaite, John Pearson, Thomas Atkinson, John Radcliff, John Walker, John Hodgson, Joseph Dawson, John Birkit, Jonathan Jopson, Robert Grave, Joseph Fisher, James Bow, Abraham Allason, Thomas Williamson, Matthew Brockbank, Wilson Pearson, Richard Fletcher, Joseph Whitehead, Thomas Scott, Edward Nicholson, John Jackson, Joseph Greenhow, Thomas Troughear, Benjamin Wilson, Backhouse Addi-

Trustees Names.

[illegible] son,

ſon, Nicholas Scott, Thomas Scott of Greenfoot, William Brown, Thomas Wilſon, Joſeph Bell, Joſeph Lamb, John Fiſher, Nathaniel Dennis, Ralph Cooke, William Siſſon, William Cookſon, George Wilſon, and Thomas James, Gentlemen; ſhall be, and they and their Succeſſors duly elected, are hereby declared and appointed Truſtees for the putting of this Act in Execution, in all ſuch Parts of the ſaid Roads as do lie within the County of Cumberland; and that the Right Honourable James Smith Stanley Eſquire, commonly called Lord Strange; Sir James Lowther, Sir Philip Muſgrave, Sir George Dalſton, Sir Michael Fleming, Baronets; the Honourable Thomas Howard Eſquire, the Honourable Francis Charteris Eſquire, Sir William Dalſton Knight, Edward Wilſon, Thomas Fenwick, John Upton the elder, John Upton the younger, Roger Wilſon, George Wilſon, Miles Harriſon, John Moore, William Matſon, Fletcher Fleming, Charles Strickland, Thomas Strickland, John Gale, John Langton, Edward Johnſon, John Robinſon, Thomas Holme, James Aſhton, Jacob Morland, Miles Sandys, William Penny, John Brougham, Ralph Day, Giles Moore, Eſquires; Daniel Wilſon, Richard Burn, Thomas Symonds, Anthony Watſon, Caleb Rotherham, Iſaac Knipe, Gilbert Crackenthorp, Clerks; the Mayor, Recorder, and Aldermen, of Kirkby in Kendall for the time being; John Atkinſon M. D. Hugh Holme, William Symſon, John Shaw, John Hadwen, Francis Drinkell, William Gurnal, Thomas Kennedy, James Godmond, Thomas Strickland, Richard Fell, William Herbert, Edward Wilſon, James Dowker, Bryan Wilſon, Michael Knott, Thomas Rebanks, Iſaac Wilſon, Thomas Harriſon, Thomas Denniſon, Zachary Hubberſty, John Thompſon, Thomas Wilſon Tanner, William Robinſon, Thomas Dodgſon, Anthony Strickland, Thomas Aſhburner, John Yeates, Edward Nicholſon, John Bracken, John Wakefield, Iſaac Wilſon of Kendal, Iſaac Wilſon the elder of Lambrigg, Iſaac Wilſon, the younger of ditto, Richard Hoggart, Matthew Wilſon, John Waide, John Lambert, John Miller, Henry Fothergill, John Robinſon, George Braithwaite, Roger Dickinſon, William Armitage, Gawen Braithwaite, James Cookſon, George Cumpſtone, George Dodgſon, James Newton, John Mattinſon, George Brown, Jonathan Birket, James Birket, James Dixon, Braithwaite Atkinſon, Thomas Harriſon the elder of Staveley, Thomas Harriſon the younger of ditto, Robert Harriſon, John Bateman, James Braithwaite, John Braithwaite, Stephen Chamley, ſhall be, and they and their Succeſſors duly elected, are hereby declared and appointed Truſtees for the putting of this Act in Execution, in all

such Parts of the said Roads as do lie within the said County of Westmorland.

Qualifications 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 Receipt of the Rents, Issues, and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Sixty Pounds above Reprizes; or is possessed of, or intitled to, a Real and Personal Estate together, to the Amount or Value of One thousand five hundred 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 fifty Pounds. And if any Person not so qualified shall nevertheless presume to act as a Trustee in the Execution of this Act, every such Person so acting shall, for every such Offence, forfeit the Sum of One hundred Pounds to any Person or Persons who shall inform or sue for the same, to be recovered, together with Costs of Suit, 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, or Wager of Law, or more than One Imparlance, shall be allowed; One Moiety of which said Penalty shall be paid to the Prosecutor, and the other Moiety thereof shall be applied in repairing the said Roads lying within that County wherein the said Person, so not duly qualified and convicted thereof, shall so act as a Trustee.

Penalty on acting if not 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 hereby appointed for the putting of this Act in Execution, in all such Parts of the said Roads as do lie within the said County of Cumberland, and their Successors, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall authorize and appoint, to erect and build One Gate or Turnpike, and a Toll-house, at the West End of the Waist Gate, at or near the Head of the said Borough of Cockermouth, in, upon, and across, that Part of the said Road leading from the said Town of Hesket Newmarket, to the Borough of Cockermouth aforesaid; One other Gate or Turnpike, and Toll-house, in, upon, and across, the said Road, at or near a Place called Grainings, or in any other more convenient Part or Place between the said Town of Hesket Newmarket and the River Ellen,

to

near

near the Village of Udale; One other Gate or Turnpike, and Toll-house, in the said Town and Borough of Cockermouth aforesaid, at or near the Quakers Meeting House, in a certain Lane or Street there called Kirkgate, leading from the said Borough over Cockermouth Moor or Common, towards the said Market Town of Kelwick: One other Gate or Turnpike, and Toll-house, in, upon, and across, the said Road leading from Cockermouth to Kelwick aforesaid, at or near the West End of the said Town of Kelwick, between the Bridge over the River Greta, and that Place where the Two Roads, leading from Kelwick through Bassenthwaite towards Wigton, and that leading from Kelwick over Winlatter towards Cockermouth, do meet: One other Gate or Turnpike, and Toll-house, in, upon, and across, that Part of the said Road leading from the said Town of Kelwick towards the said Town of Kendal, between the said Town of Kelwick and a House called The Brow Top: One other Gate or Turnpike, and Toll-house, in, upon, and across, that Part of the said Road leading from the said Town of Kelwick to the Town of Penrith aforesaid, at or near the East End of the said Town of Kelwick, between the said Town of Kelwick and a certain House called Brigham; and One other Gate or Turnpike, and Toll-house, in, upon, and across, the said last mentioned Road leading from Kelwick to Penrith, at or near the Castle of Penrith, where the said Roads leading from the Villages of Blencowe, Newbiggin, and Stainton, to the said Town of Penrith, do meet; and to demand, receive, and take, at the said several Toll-gates, the Tolls and Duties following, before any Horse, Mare, Gelding, or other Cattle or Carriage whatsoever, shall be permitted to pass or go through the same; that is to say,

and take the following Tolls thereat.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Six or more Horses, Mares, Mules, or Geldings, the Sum of One Shilling and Six Pence.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Four Horses, Mares, Mules, or Geldings, the Sum of One Shilling;

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Two or Three Horses, Mares, Mules, or Geldings, the Sum of Six Pence;

For every Chaise, Chair, Calash, or Hearse, drawn by One Horse, Mare, Mule, or Gelding, the Sum of Three Pence;

For

For every Waggon, Wain, Cart, or Carriage, laden with Coal or Canal, and no other Matter, drawn by Six Horses, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Four or Five Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by Three Horses or other Beasts of Draught, the Sum of Three Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Three Halfpence; and drawn by One Horse, or other Beast of Draught, the Sum of One Penny.

For every Waggon, Wain, Cart, or other Carriage, than above-mentioned, laden with any other Goods or Things, or unladen, and not going for Coals, and drawn by One Horse, or other Beast of Draught, the Sum of Two Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Three Pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by Four or Five Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Six Horses, or other Beasts of Draught, the Sum of One Shilling and Six Pence; and for every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, or Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any 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.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll or Duty; and the Sum or Sums of Money so to be raised and collected, is and are hereby vested in the said Trustees, hereby appointed for putting this Act in Execution, in all such Parts of the said Roads as do lie within the said County of Cumberland; and the same and every Part thereof shall be paid, applied, disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner as herein after is particularly mentioned; that is to say, In Trust that the Sum and Sums of Money arising, and to be collected at the Turnpikes or Toll-gates to be erected on that Part of the said Roads between the said Towns of Cockermouth and Hesket Newmarket, shall be paid, applied, disposed of, or assigned (after paying and contributing a proportionable Share of the Expences of passing this Act, as herein after mentioned) solely to and for the widening and repairing the said Roads between the said Town of Hesket Newmarket and

Tolls vested in Trustees.

and the Borough of Cockermouth aforesaid, erecting of Gates thereon, and defraying the necessary Charges and Expences attending the same, and the Execution of this Act so far as relates to the said Road, and to no other Part of the said Roads hereby intended to be repaired; and that the several Sum and Sums of Money arising, and to be collected on those other Parts of the said Roads within the County of Cumberland aforesaid, hereby intended to be repaired (after paying and contributing a proportionable Share of the Charges of passing this Act, as herein after is mentioned) shall be paid, applied, disposed of, or assigned (except such Part or Parts thereof as shall be otherwise directed by this Act to be applied, laid out, assigned, or disposed of) solely for the widening and repairing of such other Parts of the said Roads in the said County of Cumberland, and of erecting of Gates thereon, and defraying the necessary Expences attending the same, or the Execution of this Act, so far as relates to such last mentioned Roads, and to no other Part of the before mentioned Roads; and it shall and may be lawful to and for the said Trustees hereby appointed for the putting of this Act in Execution, in all Parts of the said Roads as do lay within the said County of Cumberland, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, under their Hands, shall, from time to time, nominate and appoint, to demand, recover, and levy the Tolls or Duties hereby laid and made payable for the Purposes aforesaid, 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 Goods of such Person or Persons who ought to pay the same, or by Distress of any Horse or Horses, or other Cattle or Goods, upon which any Toll or Duty is by this Act imposed, and to detain and keep the same until such Toll or Duty, with the reasonable Charges of such distraining and keeping shall be fully paid; and it shall and may be lawful to and for such Person or Persons so distraining after the Space of Five Days after such Distress made and taken, to sell the Cattle or Goods so distrained and taken, returning the Overplus (if any there be) upon Demand, to the Owner thereof, after such Toll or Duty, and reasonable Charges for distraining and keeping the same, shall be deducted and paid.

Tolls may be levied by Distress and Sale.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, for the putting of this Act in Execution within the said County of Cumberland, or any Five or more of them, and they are hereby required at their First Meeting,

Trustees to erect a Turnpike on the Road leading out of the Road going from *Blencowe, &c.* to *Penrith.*

to erect, or cause or order to be erected and kept up, during the Continuance of this Act, One Gate or Turnpike in, upon, and across the Road leading out of the Road going from Blencowe, Grayſtock, and Johnby, to Penrith aforeſaid, by and near unto the now Dwelling-house of Lancelot Simpſon Eſquire; provided nevertheleſs, That by the erecting and continuing of ſuch Side-gate, the ſaid Lancelot Simpſon, or any future Owners or Occupiers of his ſaid Houſe, or any other Perſon or Perſons having a Right to a Veſture or Occupation Way through ſuch Road, ſo to be ſhut up, be not hindered or retarded in making uſe of the ſaid Road or Way, as a private Veſture or Occupation Way only, at his, her, and their Wills and Pleaſures, but not as a publick Road, or for any other Uſe or Purpoſe whatſoever, and that without paying any Toll or Duty for going through ſuch Gate, ſo to be erected thereon as aforeſaid.

Exception.

Truſtees for *Weſtmorland* may erect Gates,

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees hereby appointed for the putting of this Act in Execution in all ſuch Parts of the ſaid Roads as do lie within the ſaid County of Weſtmorland, and their Succeſſors, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authorize, impower and appoint, to erect and build One Gate, Turnpike and Toll-houſe, in, upon, and across that Part of the ſaid Road leading from Dunmail Rays towards Ambleſide, between Tarnhead Gate, at the Entrance into a Lane called Broad-Roan Lane, and where the Road leading from the ſaid Lane to Hawkſhead ſeparates from the Road leading to Ambleſide; One other Turnpike-gate and Toll-houſe, in, upon, and across the ſaid Road on the South Side of Ambleſide, at or near a Place called Waterhead, after the Roads leading from the ſaid Town of Ambleſide, and from a Place called Hard Knot towards Kendal, are united; One other Turnpike-gate and Toll-houſe, in, upon, and across the ſaid Road, at or near the South End of the Village of Staveley; One other Turnpike or Toll-gate and Toll-houſe, in, upon, and across the ſaid Road, at a Place called Plumbgarths Croſs, where the Roads leading from Hawkſhead and Ambleſide towards Kendal, do unite; and to demand, receive, and take, at the ſaid ſeveral laſt-mentioned Toll-gates, the Tolls and Duties following, before any Horſe, Ware, Gelding, or other Cattle or Carriage whatſoever, ſhall be permitted to paſs or go through the ſame; that is to ſay,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Calaſh, or Hearſe, drawn by Six or more Horſes,

Wares,

Mares, Mules, or Geldings, the Sum of One Shilling and Six Pence.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Four Horses, Mares, Mules, or Geldings, the Sum of One Shilling.

For every Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, or Hearse, drawn by Two or Three Horses, Mares, Mules, or Geldings, the Sum of Six Pence.

For every Chaise, Chair, Calash, or Hearse, drawn by One Horse, Mare, Mule, or Gelding, the Sum of Three Pence.

For every Waggon, Wain, Cart, or Carriage, laden with Coal or Canal, and no other Matter, drawn by Six Horses, or other Beasts of Draught, the Sum of Nine Pence; and drawn by Four or Five Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of Three Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Three Half-pence; and drawn by One Horse, or other Beast of Draught, the Sum of One Penny.

For every Waggon, Wain, Cart, or other Carriage than above mentioned, laden with any other Goods or Things, or unladen, and not going for Coals, and drawn by One Horse, or other Beast of Draught, the Sum of Two Pence; and drawn by Two Horses, or other Beasts of Draught, the Sum of Three Pence; and drawn by Three Horses, or other Beasts of Draught, the Sum of Six Pence; and drawn by Four or Five Horses, or other Beasts of Draught, the Sum of One Shilling; and drawn by Six Horses, or other Beasts of Draught, the Sum of One Shilling and Six Pence.

And for every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

For every Drove of Oxen, or Neat Cattle, the Sum of Ten Pence per Score, and so in Proportion for any 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.

Which said respective Sums of Money shall be demanded and taken in the Name of and as a Toll or Duty; and the Sum or Sums of Money so to be raised and collected, is and are hereby vested in the said Trustees hereby appointed for putting this Act in Execution, in all such Parts

Tolls vested in the Trustees.

Parts of the said Roads as do lie within the said County of Westmorland; and the same, and every Part thereof, shall be paid, applied, disposed of, or assigned (after paying and contributing a proportionable Share of the Charges of passing this Act, as herein after is mentioned and directed) solely for the widening and repairing of those Roads laying within the said County of Westmorland, by this Act directed to be repaired, erecting of Gates and Toll-houses thereon, and defraying the necessary Charges and Expences attending the same, and all other Charges and Expences attending the Execution of this Act, so far as relates to the said Roads hereby directed to be repaired, as do lay within the County of Westmorland aforesaid, and to and for no other Purpose: And it shall and may be lawful to and for the said Trustees hereby appointed for the putting of this Act in Execution, in all Parts of the said Roads as do lay within the said County of Westmorland, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, under their Hands, shall from time to time nominate and appoint, to demand, recover, and levy, the Tolls or Duties hereby laid and made payable for the Purposes aforesaid, 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 Goods, of such Person or Persons who ought to pay the same, or by Distress of any Horse or Horses, or other Cattle or Goods upon which any Toll or Duty is by this Act imposed; and to detain and keep the same until such Toll or Duty, with the reasonable Charges of such detaining and keeping, shall be fully paid; and it shall and may be lawful to and for such Person or Persons so distraining, after the Space of Five Days after such Distress made and taken, to sell the Cattle and Goods so distrained and taken, returning the Overplus, if any there be, upon Demand, to the Owner thereof, after such Toll or Duty, and reasonable Charges for distraining and keeping the same, shall be deducted and paid.

Tolls to be levied by Distress and Sale.

Distress may be sold after 5 Days.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever owning, renting, or occupying, any Houses, Lands, or other Premisses, near adjoining to any Turnpike or Turnpikes which shall be erected in pursuance of this Act, in either of the before mentioned Counties of Cumberland or Westmorland, shall knowingly or wittingly permit or suffer any Person or Persons to pass through any Gate, Passage, or Way therein, with any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, or Heartse, Waggon, Wain, Cart,

Penalty on Persons going thro' or permitting private Passage,

Cart, Carriage, Horſe, Mule, Aſs, or any Sort of Cattle, with an Intent to evade the Payment of the ſaid Toll or Duty; or if any Perſon or Perſons owning, riding in, or driving, any Coach, Landau, Berlin, Chaiſe, Calaſh, Chair, Hearſe, Waggon, Wain, Cart, or other Carriage; or owning, riding, or driving, any Horſe, Mare, Gelding, Aſs, Mule, or other Cattle, ſhall therewith paſs through any ſuch Ground, Gate, Paſſage, or private Way, with an Intent to evade the Payment of the ſaid Toll or Duty; or if any Perſon or Perſons ſhall with ſuch Intent take off, or cauſe to be taken off, any Horſe, Mare, Gelding, or other Cattle, from any Coach, Landau, Berlin, Chariot, Chaiſe, Calaſh, Chair, Hearſe, Waggon, Wain, Cart, or other Carriage, or any Horſe, Mare, Gelding, or other Cattle; or ſhall, with the like Intent, conceal or ſecrete any Goods or other Things chargeable with any of the Tolls aforeſaid, by reaſon whereof, or of any of the Offences aforeſaid, the Payment of any of the Tolls or Duties by this Act impoſed ſhall be avoided or leſſened; or if any Perſon or Perſons having, claiming, and taking, the Benefit of any Exemption or Privilege by virtue of this Act, or any Clauſe or Thing therein contained, not being intitled thereto, or being intitled thereto committing any Fraud or Abuſe thereof, either by him, her, or themſelves, or giving any Licence to any other Perſon or Perſons not intitled to ſuch Privilege or Exemption, whereby, or by Means whereof, the Tolls or Duties granted by this Act may be leſſened or avoided; all and every Perſon and Perſons in all, every, or any the Manner or Manners aforeſaid offending, and being thereof convicted upon the Oath of One or more Witneſs or Witneſſes, before any One or more Juſtice or Juſtices of the Peace for the County where the ſaid Offence ſhall be committed (which Oath ſuch Juſtice or Juſtices is and are hereby required and impowered to adminiſter without Fee or Reward) ſhall, for every ſuch Offence reſpectively, forfeit the Sum of Twenty Shillings, and pay the ſame to the Truſtees of and for the County where ſuch Offence ſhall be ſo committed, or any Five or more of them, or to their Treaſurer for the time being; which Sum, in caſe the ſame be not forthwith paid, ſhall be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the ſaid Juſtice or Juſtices, rendering the Overplus, if any there be, to the Owner, upon Demand, after deducting the reaſonable Charges and Expences of making ſuch Diſtreſs and Sale to be ſettled by the ſaid Juſtice or Juſtices; which ſaid Penalty of Twenty Shillings, when recovered,

or taking off Horſes, &c.

to avoid paying the Tolls.

recovered, shall go and be applied, One Moiety thereof to the Informer, and the other Moiety thereof towards amending the said Roads in the County where the Offence shall be committed.

And be it further enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, which shall be erected and built within the said Counties of Cumberland or Westmorland, or either of them, by virtue of this Act, shall, during the Continuance thereof, be vested in the said respective Trustees appointed for and acting in the Execution of this Act, in and for such Counties respectively; and they the said Trustees, or any Five or more of them, so respectively acting in the Execution of this Act, within either of the said Counties respectively, are hereby authorized and impowered to bring Actions in their Names, or in the Name of any One or more of them respectively, or in the Name or Names of their respective Clerk or Clerks, Treasurer or Treasurers for the time being, against any Person or Persons who shall take away, break up, spoil, or damage any Turnpike or Turnpikes so erected and built as aforesaid, in either of the Counties aforesaid, or that shall disturb them, or any of them respectively, in their peaceable Enjoyment of the Property or Properties thereof.

Trustees may appoint Officers;

And be it further enacted by the Authority aforesaid, That the Trustees for each of the said Counties of Cumberland and Westmorland, or any Seven or more of them, present at the First or any subsequent Meeting, by Writing under their Hands and Seals, shall and may nominate and appoint fit Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties arising within their respective Counties; and also One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Roads hereby intended to be repaired, in such the said several Counties respectively, and to see that the same be repaired and widened, and the Money raised by this Act duly applied and laid out, and also such other Officer or Officers as they shall think necessary to employ in the Execution of this Act within the said respective Counties; and the said respective Trustees, or any Seven or more of them, 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, and other Officers, or any of them, as they shall see Occasion, and to appoint new ones, in case of such Removals, or of their Deaths respectively;

and remove them, and appoint others.

respectively; and such Person or Persons as is or are hereby made liable to pay the said Tolls or Duties hereby granted, shall pay the same after the Rate aforesaid, to such Person or Persons as shall, from time to time, be so appointed to collect and receive such Tolls or Duties; and the Person or Persons so appointed to collect and receive the same, and also all such Treasurers, Collectors, and Surveyors, to be appointed as aforesaid, shall, from time to time, as often as thereunto required by the said Trustees of the said several Counties respectively, or any Five or more of them, make and render unto such Trustees respectively, or any Five or more of them, or unto such Person or Persons as they, or any Five or more of them, shall respectively, from time to time, for that Purpose appoint, a true, exact, and perfect Account in Writing, under their respective Hands, upon Oath, to be taken before One of His Majesty's Justices of the Peace for such of the said Counties as the said Account relates to (which Oath such Justice is hereby impowered and required to administer without Fee or Reward) of all Monies which he, they, and every or any of them, respectively, shall, to such Time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; and in case any Money so received shall remain in their, or any of their Hands, the same shall be paid to the said respective Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by any Writing or Writings under their Hands, authorize or impower to receive the same; which Money shall be disbursed and laid out in amending and widening the said Roads, within the respective Counties aforesaid, and for the necessary Purposes relating thereto, in Manner as before or herein after is directed, and according to the true Meaning of this Act, and not otherwise; and the said respective Trustees of and for the several Counties aforesaid, or any Five or more of them, to whom such Account shall be given, shall and may, out of the Monies arising by the said Tolls or Duties, make such Allowance to the said Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, and other Officers, so to be appointed and employed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Offices, and to such other Person and Persons as shall be assisting in and about procuring the said several Roads to be amended and widened, by advancing or laying out any Money, or otherwise, relating to

Officers to account upon Oath.

Trustees to allow Officers Salaries.

to such Repairs, as to the said respective Trustees, or any Five or more of them, shall seem reasonable: And in case the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or any of them, shall refuse or neglect to give a true and perfect Account in Writing of all such Sum and Sums of Money as he or they shall have collected, received, paid, and disbursed, or shall knowingly or wittingly deliver a false, defective, or imperfect Account, or having delivered a true and perfect Account, shall refuse or neglect to pay the Monies due on such Account, in Manner as aforesaid; then it shall and may be lawful to and for any Justice or Justices of the Peace for the said Counties of Cumberland and Westmoreland, to make Inquiry of and concerning such Refusal or Default, as well by Confession of the Parties themselves respectively, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices of such respective Counties, is and are hereby impowered and required to administer without Fee or Reward); and if any such Treasurers, Receivers, Collectors, or other Person or Persons, shall be convicted of having neglected or refused to give such Account, or of having delivered a false, defective, or imperfect Account, or having neglected or refused to pay the Money due on such Account, within Ten Days after such Account is given in as aforesaid; then, and in any of the said Cases, it shall and may be lawful to and for any such Justice or Justices to commit the Offender to the Publick Gaol of the County where such Offender or Offenders shall have been employed or have acted, there to remain without Bail or Mainprize, until he or they shall give and make a full, true, and perfect Account and Payment as aforesaid.

Officers refusing to account,

Justices to enquire into the Default,

and commit the Offender, until he shall conform, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Surveyor or Surveyors, within the said respective Counties, and such Person or Persons as he, they, or any of them, shall appoint, to dig, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, proper and convenient for repairing the said Roads respectively, out of any Waste or Common, River or Brook, in any Parish, Town, Village, or Hamlet, within the said respective Counties, wherein or near which any of the said respective Roads, or any Part or Parts thereof, do lie; and for want of sufficient Quantities of Gravel, Furze, Heath, Sand, Stones, or other Materials there, to dig, take, and carry away the same, out of any

Surveyors may dig Gravel, &c. out of Waste Grounds, &c.

Waste, or Common Grounds, River or Brook, of any neighbouring Parish, Town, Village, or Hamlet, in each respective County, without paying any thing for the same: And where there are not sufficient Quantities of such Materials in any Commons or Waste Grounds, Brooks or Rivers, near adjoining, it shall and may be lawful for the said Surveyor and Surveyors respectively, and such Person or Persons as he, they, or any of them, shall, from time to time, appoint, to dig and gather Gravel, Furze, Heath, Sand, Stones, and other Materials, fit for repairing the said Roads, in the several Grounds of any Person or Persons (not being a Garden, Yard, Park, Paddock, Wood, Coppice, Nursery, or planted Walk, or Avenue to a House, or ancient Meadow Ground, that has been used as such for the Space of Three Years at least then next immediately preceding the digging for and gathering such Materials) where any such Materials can or may be found, first having an Order of the said respective Trustees, or any Five or more of them, for that Purpose, and, from time to time, to carry away such and so much thereof, as the said Surveyor or Surveyors in their respective Places shall judge necessary for repairing the said Roads, paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers of the Grounds where and from whence the same shall be dug, gathered, and carried away, as the said Trustees, or any Five or more of them respectively, shall judge reasonable; and in case any such Owner or Occupier shall think himself aggrieved by such Adjudication or Determination, it shall and may be lawful for him to appeal against the same to the Justices of the Peace of the County where such Gravel, or other Matter or Materials, are or is got as aforesaid, at the next General or Quarter Sessions to be holden in the respective County and Division where and from whence such Materials shall be digged, gathered, or carried away, on his giving Notice in Writing of such Appeal, under his Hand, Six Days at least before such Sessions, to the Surveyor or Surveyors of the said Roads respectively, and such Justices shall and may hear and finally adjudge, assess, and determine, the same; at which General or Quarter Sessions there shall not be less than Three Justices of the Peace, not any ways concerned or interested in the Matter in Dispute.

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.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors respectively, and such Person or Persons as he or they shall appoint, from time to time, to remove and prevent Annoyances on any Part of the

Surveyors may remove Annoyances,

Roads aforesaid, by Filth, Dung, Ashes, Rubbish, Watercourses, Sinks, or Drains, running into, along, or out of, the said Roads, or any Part thereof; and to cleanse, open, scour, deepen, or enlarge, any Ditch or Watercourse adjoining or near to the said Roads, or any Part thereof; and also to cut down, lop, or top, any Trees and Bushes growing upon or near the said respective Roads, or any Part thereof, or in, upon, or near, the Hedges or Banks adjacent thereto, and to take and carry away the same from and out of the said Roads; the Owners or Occupiers having neglected to cut down such Trees or Bushes, and to remove the same, and such other Annoyances, by the Space of Ten Days after Notice in Writing given for that Purpose, under the Hands of Five or more of the said Trustees, within the said Counties respectively; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors by such Owners or Occupiers so neglecting to cut down and remove such Trees or Bushes, or to remove such other Annoyances, as aforesaid: And if, after Removal of any such Annoyance, any Person or Persons 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 County where such Offence shall be committed (which Oath the said Justice or Justices is and are hereby authorized and impowered to administer) shall, for every such Offence, forfeit and pay to the said Trustees respectively, or their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be recovered, levied, and applied, in the same Manner as the other Forfeitures and Penalties herein before mentioned are directed to be recovered, levied, and applied.

and cleanse Ditches;

and cut down Bushes, &c.

the Owners neglecting to remove the same after Notice;

Surveyors to be reimbursed the Charges.

Penalty on a Second Offence.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said respective Surveyor or Surveyors, by Order of the said Trustees, for repairing the said Roads in each of the said Counties respectively, or any Five or more of them, to make or cause to be made Causeways along, and to cut and make Drains through, and to make and erect Bridges or Arches of Brick, Timber, or Stone, upon and across such Roads; and also widen any of the narrow Parts of the said Roads (not being a House, Garden, Orchard, Yard, Park, Paddock, Wood, Coppice, Nursery, planted Walk, or Avenue to a House) by clearing, levelling, and opening the same; and to cut down and remove any Trees, Bushes, or Underwoods, growing in or upon the said Roads, or any Part thereof, where such Roads are not

Trustees may make Causeways;

erect Bridges, &c.

not Forty Feet wide; and also to cause Ditches or Trenches to be made in such Manner as such Surveyor or Surveyors respectively, by Order of the said Trustees for the said several Counties, or any Five or more of them respectively, shall adjudge necessary or proper, for the better amending and widening and keeping the said respective Roads in Repair; and if any Owner or Owners of any Watercourses, Ditch or Ditches adjoining or near to the said Roads, shall neglect or refuse to cleanse and scour the same Once in every Year, or oftener, if required by the said respective Trustees, or any Five or more of them, or by their respective Surveyor or Surveyors during the Continuance of this Act, after Ten Days Notice shall be given for that Purpose, by such Surveyor or Surveyors respectively, or by such Person or Persons as shall be by him or them appointed, to the Owner or Owners of such Watercourses or Ditches, it shall and may be lawful to and for the said Surveyor or Surveyors to hire and set to work any Person or Persons, to scour and cleanse the same; and by Warrant under the Hand and Seal of any One Justice of the Peace for the County where the Offence shall be committed, to levy the Charges thereof upon the Goods, Chattles, or Effates, of the respective Owners or Occupiers, Owner or Occupier, of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of such his, her, or their Goods and Chattles; rendering the Overplus (if any be) to such Owners or Occupiers respectively (after all Charges paid) when by him, her, or them, demanded,

Owners of Watercourses, &c. neglecting to scour the same,

Surveyors may set Men at Work thereon,

and levy the Charge.

And be it further enacted by the Authority aforesaid, That in case the respective Trustees for putting this Act in Execution, or any Five or more of them, shall, at any Time or Times hereafter, during the Continuance of this Act, think proper, to widen, turn, or alter, the Way or Path of any Part of any of the said Roads within the said respective Counties, for the better Accommodation of Coaches, Carriages, and Passengers, that then the respective Trustees, for each of the said Counties, or any Five or more of them, shall have full Power and Authority, from time to time, 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 of the said Roads, for the Purchase of any such Lands, Grounds, or Hereditaments, or for the Loss or Damage such Owners, Proprietors, Occupiers, and Persons interested, or any of them, shall or may any ways sustain, or be put unto, by such widening, turning, or altering, such Way or Path; and

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

and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage, any such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, Occupiers, and Persons interested as aforesaid, and the respective Trustees, or any Five 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 Corporate or Collegiate, Feoffees in Trust, or others, are seised or possessed of Lands, Grounds, or Hereditaments, which may by the said respective Trustees be thought necessary or proper to be taken in, and added to, any of the said Roads, within the said respective Counties, for turning, widening, altering, or amending the same, and such Persons or Bodies Corporate, Collegiate, or Feoffees, may be willing to treat or 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 for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, or Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femes Covert, or Cestuique Trusts, and for all and every 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 for either of the said respective Counties, 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 or otherwise exchange the same as Occasion shall be or require; and all Contracts, Agreements, Sales, Exchanges, 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 whatsoever, 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 in that Behalf by virtue or in pursuance of this Act.

Bodies Politic, &c. to contract for Sale of such Lands.

And be it further enacted by the Authority aforesaid, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, or any other Person

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

or Perſons intereſted in 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 any of the ſaid Roads as aforeſaid, or into which ſuch Path, Way, or Road, ſhall be turned or altered as aforeſaid, ſhall, by the Space of Ten 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 ſuch Caſe, the Truſtees for the reſpective Counties, or any Five 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 ſaid County where ſuch Premiſſes ſhall lie (which Oaths any Two or more of ſuch reſpective Truſtees are hereby impowered and required to adminiſter) what Damage will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to, ſuch Owners, Occupiers, or Proprietors, or other Perſon or Perſons intereſted, for or upon account of the taking of ſuch Lands, Grounds, or Hereditaments, into any of the ſaid Roads, or of turning ſuch Path, Way, or Road, into the ſame; and in order thereto, the ſaid reſpective Truſtees, or any Five 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 Two or more of the ſaid reſpective 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 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 enquired of, aſcertained, and ſettled, ſuch Damage and Recompence, they the ſaid reſpective Truſtees, or any Five 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;

The Damage and Recompence to be ſettled by a Jury.

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be binding.

which said Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, shall be final, and binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whatsoever, claiming into Possession, Reversion, Remainder, or otherwise, their Heirs and Successors, as well absent as present, Infants, Femes Covert, and Persons under any Disability whatsoever, Bodies Politick, or Corporate, or Collegiate, as well as all other Person or Persons whatsoever; 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 respective Trustees, or any Five or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County where such Premisses shall happen to lie, thereby commanding and requiring him the said Sheriff to impanel, summon, and return, an indifferent Jury of Twenty four Persons, or more, duly qualified by Law to serve on Juries, to appear before the said respective Trustees, or any Five or more of them, at such Time and Place as in the said Warrant shall be appointed; and the said Sheriff, or his 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 according to or upon such Summons, the said respective 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.

Trustees may issue a Warrant to the Sheriff, to impanel a Jury.

Jurors may be challenged.

Provided always, and be it further enacted by the Authority aforesaid, That all Persons concerned shall from time to time have their lawful Challenges against any One or more of such Jurymen, when and as they shall come to be sworn upon the said Service; and the said respective Trustees, or any Five or more of them, acting in the Premisses, shall have Power, from time to time, to impose any reasonable Fine on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premisses, and on any of the Persons that shall be summoned

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

and returned on ſuch Jury, and ſhall not appear, or refuſe to be ſworn on the ſaid Jury; and being ſo ſworn, and refuſing to give, or not giving their Verdict, or in any other Manner wilfully neglecting 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, ſhall refuſe to be examined, and give Evidence; and from time to time to levy ſuch Fine or Fines in the ſame Manner as the other Forfeitures and Penalties herein before mentioned, are hereby directed to be levied; ſo that no ſuch Fine exceeds the Sum of Ten Pounds for One Offence upon any One Perſon; and all ſuch Fines ſhall be employed for ſuch Uſes, and in ſuch Manner, as the Tolls or Monies granted by this Act are to be reſpectively applied.

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

And be it further enacted by the Authority aforeſaid, That each and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for, aſcertained, or aſſigned, as aforeſaid, ſhall be, and are hereby charged and chargeable upon the reſpective Monies which ſhall be raiſed, received, or borrowed, by virtue of this Act; and ſhall be paid thereout accordingly to the Perſon or Perſons reſpectively intitled thereto, or to his, her, or their Order, or Agent; and that upon Payment or Tender thereof to ſuch Perſon or Perſons, or to his, her, or their Agent or Agents, and in caſe of Refuſal to accept the ſame, then, upon leaving the ſame in the Hands of the reſpective Clerk for the time being of the reſpective Truſtees, for the Uſe of ſuch Perſon or Perſons, and after One Month's Notice thereof given to ſuch Perſon or Perſons, or his, her, or their Agent or Agents, to receive ſuch Monies, Conſideration, Recompence, or Satisfaction, it ſhall and may be lawful for the ſaid Truſtees reſpectively, or any Five or more of them, their Surveyors, Workmen, or Agents, to take into and add to the reſpective Roads, ſuch Grounds, Lands, or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Grounds, Lands, or Hereditaments, as the ſaid Truſtees, or any Five or more of them, ſhall think proper and fit: And after the Purchaſe or Exchange 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, or Hereditaments, ſhall be laid into, and made Part of, the reſpective Roads, in ſuch Manner as the Truſtees for the reſpective County where ſuch Grounds, Lands, or Hereditaments, do lie, or any Five

Lands when purchaſed to be made Part of the Roads.

or more of them, shall order and direct; and shall be by them, or by such Person or Persons as they, or any Five or more of them, shall respectively 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 and Purposes whatsoever, become and be, and shall be deemed and taken to be, a public and common Highway, and from thenceforth be Part of the said respective Roads for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all Respects in such Manner, as the old Way or Ways so widened, altered, or turned, was and were and ought to have been kept in Repair; and after such new Road shall be compleated, the Lands and Grounds comprized in or constituting the old or former Road, in lieu whereof the Lands, Grounds, or Hereditaments, for such new Roads shall be purchased as aforesaid, shall be vested in, and shall or may be exchanged or sold by, the Trustees, or any Five or more of them, for the County where such Lands or Grounds lie, to such Person or Persons as shall be willing to become Purchaser or Purchasers thereof, for the best Price that can be gotten for the same, and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the said Roads within such respective County; and the Exchange, Sale, or Conveyance and Conveyances to be made of such Lands or Grounds, being executed by the Trustees of the County where such old Roads so sold do lie, or any Five or more of them, and inrolled with the Clerk of the Peace for such respective County, shall be good and effectual in the Law to all Intents and Purposes whatsoever.

and deemed a public Highway.

Buildings, &c. not to be injured.

Provided always, and it is hereby declared and enacted, That the Power and Authority given to the said respective Trustees, as aforesaid, shall not extend to the pulling down any Dwelling-house, Barn, Stable, or Outhousing, or taking in the Site of any such, or to take in any Garden, Orchard, Yard, Court, Park, Paddock, planted Walk, or Avenue to an House, or any Piece of Ground set apart and used as a Plantation or Nursery for Trees; any thing herein contained to the contrary notwithstanding.

Trustees may borrow Money upon the Credit of the Tolls.

And, forasmuch as the Monies to be collected by Receipt of the Tolls or Duties by this Act made or laid and made payable, will not at present be sufficient for the speedy amending of the respective Roads and Branches hereby directed to be repaired, be it further enacted by the Authority aforesaid, That the Trustees for repairing

the ſaid Roads, or any Seven or more of them, within their reſpective Counties, ſhall and may, and are hereby impowered from time to time, at their reſpective public Meetings, by any Writing or Writings under their Hands and Seals, without any Stamp to be impreſſed thereon, to aſſign over or mortgage the reſpective Tolls or Duties, within their reſpective Counties, or any Part thereof (the Coſts and Charges of ſuch Aſſignment or Mortgage, Aſſignments or Mortgages, to be done and paid out of ſuch Tolls and Duties) for any Time or Term for which the ſame are hereby made payable, or for any Part of ſuch Time or Term; which ſaid Tolls or Duties ſo to be aſſigned or mortgaged, ſhall be a Security for the Repayment of ſuch Sum or Sums of Money ſo to be borrowed, to ſuch Perſon or Perſons, his, her, or their Truſtees or Aſſigns, as ſhall advance and lend ſuch Money, which ſhall be paid out of the Monies ariſing or collected by the ſaid Tolls and Duties, with ſuch Intereſt for the ſame, as the ſaid reſpective Truſtees for the repairing of the ſaid Roads, or any Seven or more of them, ſhall think fit to give; which ſaid Money ſo borrowed (after firſt paying and diſcharging the Expences of obtaining this preſent Act of Parliament, in Manner as herein after mentioned) ſhall be applied and diſpoſed of as the ſaid reſpective Tolls and Duties are by this Act to be applied and diſpoſed of, and to no other Uſe or Purpoſe whatſoever: But no Money ſhall be borrowed by the ſaid reſpective Truſtees on the Credit of the Tolls or Duties hereby granted, after any Turnpike or Turnpikes ſhall be erected by virtue of this Act, unleſs Notice in Writing be given for that Purpoſe, by affixing the ſame upon all ſuch Turnpike Gate or Gates then erected in that County or Diſtrict, whoſe Truſtees borrow the ſaid Money, at leaſt Ten Days before the borrowing thereof: And every ſuch Mortgage or Aſſignment ſhall be entered at length in the Book or Books to be kept by the ſaid reſpective Truſtees, or their Clerk or Clerks, for the Entry of their reſpective Orders and other Proceedings in the Execution of this Act.

Notice to be given for borrowing Money.

Provided always, and be it further enacted, That the ſaid Truſtees for putting this Act in Execution, within the ſaid County of Cumberland, or any of them, ſhall not borrow any Sum or Sums of Money upon the Credit of the Tolls or Duties ariſing from, or to be collected upon, that Part of the ſaid Road leading from the ſaid Town of Heſket Newmarket to the Borough of Cockermouth aforeſaid, or mortgage or aſſign over any of the Tolls or Duties ariſing or collected within that Diſtrict, for any Monies borrowed, to be laid out or applied to

No Money to be borrowed on the Tolls from *Heſket Newmarket* to *Cockermouth*, to be laid out in any other Part of the Road.

the widening or repairing of any other Part or Parts of the said Roads within the said County of Cumberland, hereby directed to be repaired, or for any other Purpose relative to such Roads; neither shall it be lawful to and for such Trustees, or any of them, to borrow any Sum or Sums of Money upon the Credit of the Tolls or Duties arising from, or to be collected upon, such other Parts of the said Roads within such County of Cumberland; or to mortgage or assign over any such Tolls or Duties arising or collected thereon, for any Monies borrowed, to be applied or laid out in the widening or repairing of any Part of such the said Road leading from the said Town of Hesket Newmarket to the Borough of Cockermouth aforesaid, or for any other Purpose relative to such Road.

How Part of the Tolls to be collected near *Penrith* shall be applied.

Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, appointed for the putting this Act in Execution within the said County of Cumberland, or any Five or more of them, and they are hereby required and authorized, from time to time, during the Continuance of this Act, to lay out and apply One Fourth Part, and no more, of the net Tolls and Duties which shall be raised and collected at the Toll-gate and Toll-house, so to be erected near the Castle of Penrith aforesaid, by virtue of this Act, in the widening and repairing the Roads leading from the said Town of Penrith, towards the several Villages of Graystock, Johnby, and Blencowe, within the said County, in such Manner as they the said Trustees, or any Five or more of them, shall direct; any Clause, Matter, or Thing, herein contained to the contrary thereof notwithstanding.

How Part of the Tolls collected at the Gate on the West Side of *Keswick* shall be applied.

And be it further enacted by the Authority aforesaid, That it shall and may also be lawful to and for the said Trustees so appointed and acting in the Execution of this Act, within the said County of Cumberland, or any Five or more of them, and they are hereby also authorized and required, from time to time, during the Continuance of this Act, to lay out and apply One Tenth Part, and no more, of the net Tolls and Duties, which shall be raised and collected at the Toll-gate and Toll-house so to be erected on the West Side of Keswick aforesaid, and near unto the same, by virtue of this Act, in the widening and repairing the Road leading from thence towards the Towns of Wigton and Carlisle, so far as the Parish of Crosthwaite extends that Way, in such Manner as the said Trustees, or any Five or more of them, shall direct;

any Clause, Matter, or Thing, herein contained to the contrary thereof notwithstanding.

Application of the Monies.

And be it further enacted by the Authority aforesaid, That the Tolls, Charges, and Expences, laid out, disbursed, or expended, in and about the soliciting, procuring, and passing this present Act of Parliament, shall, as soon as may be, be paid out of the Money arising by the Tolls and Duties to be collected at the several Turnpike-gates to be erected in the respective Counties aforesaid, by Authority hereof, or out of the Money which shall be borrowed thereupon respectively, in the following Proportions; that is to say, One Sixth Part thereof (the Whole into Six equal Parts to be divided) out of the Money arising by the Tolls and Duties to be collected at the Gates to be erected on that Part of the said Roads hereby directed to be repaired, lying between the Town of Hesket Newmarket and the Borough of Cockermouth aforesaid, or out of the Money which shall be borrowed thereupon, by virtue of this Act; Three other Sixth Parts thereof, out of the Money arising by and out of the Tolls and Duties to be collected at the several Gates to be erected on the other Part of the Roads hereby directed to be repaired within the said County of Cumberland, or out of the Money to be borrowed thereupon by virtue hereof; and the other or remaining Two Sixth Parts thereof shall be paid out of the Money arising by and out of the Tolls and Duties to be collected at the several Gates to be erected on those Roads hereby directed to be repaired, which do lie in the County of Westmoreland, or out of the Money which shall be borrowed thereon, by virtue or in pursuance of this Act.

Trustees may erect Side-gates,

Provided also, and be it further enacted, That it shall and may be lawful to and for the respective Trustees for each of the Counties aforesaid, or any Five or more of them respectively, present at the First or any other succeeding Meeting, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-house or Toll-houses (over and besides those before mentioned) on the Side or Sides of the Roads hereby directed to be repaired, within their respective Counties, and across any Lane or Way leading out of the same; and there to receive and take, or cause to be received and taken, such and the like Tolls and Duties as are by this Act granted to be paid at the said before mentioned Gates; but so as the same do not extend to a Double Charge upon any Person or Persons passing through any other of the Gates or Turnpikes to be erected in the same County by virtue of this Act.

and take Tolls thereat;

so as the same do not extend to a Double Charge.

Provided

Tolls to be paid but Once a Day.

Provided alſo, and it is hereby further enacted, That no Perſon or Perſons having paid his, her, or their Toll or Duty, Tolls or Duties, hereby directed to be paid, at any One of the ſaid Three Gates ſo to be erected at the Eaſt, Weſt, and South Eaſt Ends of the ſaid Town of Keſwick, through which ſuch Perſon or Perſons ſhall paſs, and producing a Note or Ticket that ſuch Toll was paid (which Note or Ticket the Collector and Collectors at ſuch Toll-gates is and are hereby required upon Demand to give gratis) ſhall be liable to pay the ſame Day before Twelve of the Clock at Night, any Toll or Duty at either of the other Two Gates or Turnpikes, ſo to be erected at the Eaſt, Weſt, and South Eaſt Ends of Keſwick aforeſaid; neither ſhall any Perſon or Perſons, having paid his, her, or their Toll or Duty, Tolls or Duties, hereby directed to be paid, at either of the ſaid Toll-gates ſo to be erected at Staveley and Plumbgarth Croſs, within the ſaid County of Weſtmoreland, through which ſuch Perſon or Perſons ſhall paſs, and producing a Note or Ticket, Notes or Tickets, that ſuch Toll or Tolls was or were paid at ſuch Gate (which Note or Ticket, Notes or Tickets, the ſeveral Collectors at ſuch Gates is and are hereby alſo required upon Demand to give gratis) be liable to pay the ſame Day before Twelve of the Clock at Night, any Toll or Duty at the other of ſuch laſt mentioned Gates, ſuch Perſon or Perſons producing ſuch Note or Notes, Ticket or Tickets, to the ſaid Collector or Collectors of the ſaid Tolls or Duties, and paſſing with the ſame Carriage, Cattle, or Goods, that he paſſed ſuch the former or other Turnpike or Turnpikes; and no Perſon or Perſons having Occaſion to paſs through any of the ſaid Turnpike or Turnpikes to be erected in either of the ſaid Counties by virtue of this Act, where the ſaid Toll or Duty ſhall be taken, and who ſhall return through the ſame Turnpike or Turnpikes the ſame Day before Twelve of the Clock at Night, with the ſame Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, Waggon, Wain, Cart, or other Carriage, Horſe, Mare, Gelding, Mule, Aſs, or other Cattle, and ſhall produce a Note or Ticket of the Payment of the Toll or Duty (which Note or Ticket the Receivers or Collectors are hereby required upon Demand to give gratis, on Receipt of ſuch Toll or Duty) ſhall be liable or compelled to pay the ſaid Toll or Duty in ſuch Return, at ſuch Turnpike or Turnpikes, unleſs ſuch Waggon, Cart, or Carriage, paſs empty or unloaden, and return loaden, in which Caſe there ſhall, on ſuch Return, be only paid ſo much as will make up

up what was paid for paſſing empty or unloaden, the full Duty or Toll for paſſing loaden.

Penalty on Perſons giving or receiving Tickets, to avoid Payment of the Tolls.

And, for preventing 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, and having ſuch Note or Ticket, Notes or Tickets, as is and are hereby directed to be given, ſhall give, offer, or diſpoſe of, the ſame to any other Perſon or Perſons, in order to avoid the Payment of any of the ſaid Tolls or Duties, every ſuch Perſon ſo giving, offering, or diſpoſing of, ſuch Note or Ticket, Notes or Tickets, and the Perſon or Perſons receiving or paſſing, or offering to paſs, with the ſame, being thereof reſpectively convicted upon Oath before One or more Juſtice or Juſtices of the Peace for the reſpective Counties (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter) ſuch Perſons ſhall reſpectively forfeit and pay the Sum of Twenty Shillings for every ſuch Offence, to be recovered, levied, and applied, in the Manner as the other Forfeitures and Penalties herein before mentioned are directed to be recovered, levied, and applied.

Exemptions from Tolls.

Provided always, and it is hereby declared and enacted, That no Tolls or Duties ſhall be demanded or taken at any of the Turnpikes to be erected by virtue of this Act, for any Perſon or Perſons going to or returning from any Election or Elections of a Knight or Knights of either of the ſaid Counties of Cumberland or Weſtmoreland, to ſerve in Parliament for ſuch Counties or either of them, on the Day or Days of ſuch Election or Elections; neither ſhall any Perſon or Perſons be charged with any of the Tolls or Duties aforeſaid, who ſhall paſs through any of the ſaid Turnpikes, with any Horſe, Mule, Aſs, Waggon, Wain, Cart, or other Carriage, which ſhall carry or draw any Quantity of Stones, Gravel, or other Materials for repairing the ſaid Roads hereby directed to be amended, or any Road within any of the Pariſhes wherein the Turnpike Roads do lie, or in any of the neighbouring Pariſhes, or for the carrying or drawing through any of the ſaid Turnpikes, any Dung, Lime, Mould, Soil, or Compoſt, of any Nature or Kind whatſoever, for manuring of Gardens or Land; nor for any Horſe, Mare, Gelding, Mule, Aſs, Cart, Waggon, or other Carriage, carrying or drawing any Wood, Heath, Furze, Ling, Turf, or Peat for Fuel, Hay, Straw, or Corn in the Straw (not ſold or diſpoſed of) to be laid up in the Houſes, Out-houſes, or Backſides, of the reſpective Inhabitants, Land-owners, or Land-holders in the

several Parishes in which the said Roads hereby intended to be repaired do lie; but not to excuse Horses drawing any Carts or Carriages carrying any Hay, Straw, or Corn, sold or to be sold; nor shall any Duty be demanded or paid for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Thing whatsoever, employed in Husbandry, or for manuring or stocking of Lands, in the said several Parishes; nor shall any Toll or Duty be demanded or taken for any Post-horse carrying the Mail or Packet; or for such Horse, Mare, or Gelding, as is or shall be used only to ride on by the Owner or Driver of any Carriage (such Horse, Mare, or Gelding, passing through the said Turnpike or Turnpikes together with the said Carriage) nor shall any Toll or Duty be taken or demanded of any Person residing in any of the respective Parishes through which such Roads do lead, who shall pass to or from Church, Chapel, or other lawful Place of Religious Worship; or of any Persons attending Funerals within those Parishes; nor for any Horse or Cattle going to or from Water or Pasture; or for the Horses of any Soldiers passing, who are upon their March, or for Carts, Waggons, or Carriages at the same Time attending them; or for Horses, Carts, Waggons, or Carriages travelling with Vagrants, sent by legal Passes.

Stones and other Materials for building,

Provided always, That no Toll shall be taken, by virtue of this Act, at any Turnpike to be erected upon any Part of the said Roads within the County of Westmorland, for any Carriage laden with Stones, or any other Materials, for building in any of the Parishes or Townships through which the said Roads do lead; or for any Carriage or Horse laden with Fuel for Fire (except Coal or Canal) or for any Horse or other Beast laden with Milk.

and Fuel for Fire, exempted from Toll in the County of *Westmoreland*.

And forasmuch as the erecting the before-mentioned Two Toll-Gates at the West End of the Waist-gate, and in the Lane or Street called Kirkgate, within the said Town or Borough of Cockermouth, will be a great Hurt then and Hardship to and upon several of the Inhabitants of the said Town or Borough, who have or may hereafter have or be possessed of any Houses, Warehouses, Out-houses, Mills, Yards, or Gardens, situate within the said Town, Township, or Borough, on the South Side of the Toll-gate, so to be erected in Kirkgate aforesaid, and on the East Side of the Gate to be erected at the West End of Waist-gate aforesaid, in case thereby they are made liable to the Payment of the aforesaid Tolls and Duties, for the going into or returning out

of the other Parts of such Town or Borough, with their Horses, Goods, Cattle, or Carriages; be it therefore hereby further declared and enacted, That no Person or Persons, being real Occupier or Occupiers, Possessor or Possessors, of any such Houses, Out-houses, Barns, Byars, Stables, Coach-houses, Mills, Tan-yards, Ware-houses, or Gardens, so situate within the Precincts of the said Town or Borough of Cockermouth, on the South Side of the Toll-gate to be erected in Kirk-gate, and on the East Side of the Toll-gate to be erected at the West End of the Waist-gate aforesaid, shall be charged with or liable to pay any of the Tolls or Duties aforesaid, for the passing or going from, or returning to such his, her, or their said respective Houses, Out-houses, Barns, Byars, Stables, Coach-houses, Mills, Tan-yards, Warehouses, or Gardens, through either of the said Toll-gates last-mentioned, into or out of the other Parts of the said Town or Borough, with any Horse, Mule, Ass, Cattle, Waggon, Wain, Cart, or other Carriage, unloaden, or loaden with any Goods, Wares, or Merchandize, such Horse, Mule, Ass, Cattle, Waggon, Wain, Cart, or other Carriage, Goods, Wares, or Merchandize, being the sole Property of the Person or Persons, then actually occupying such Houses, Out-houses, Barns, Byars, Stables, Coach-houses, Mills, Tan-yards, Warehouses or Gardens; and not of any other Person or Persons, or which shall be carried for Hire.

Occupiers and Possessors of Houses or Gardens on the South Side of *Kirk-gate*, and East Side of *Waist-gate*, exempted from Tolls;

except Goods carried for Hire.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons who by Law is or are obliged to do Statute-work, or chargeable towards repairing and amending of any of the Roads hereby intended and directed to be repaired, or any Part or Parts thereof, shall still remain chargeable, and do such their respective Works in the said Parishes, Places, or Townships, in which the said Roads do lie, in the Manner as he, she, or they, ought to have done before the passing of this Act, at such Times, and in such Places and Manner, from time to time, as the Turnpike Surveyor shall direct and appoint, under the like Penalties for each Default, as are now by Law appointed.

Persons liable to repair any Part of the Road, to continue so.

And, for better knowing and ascertaining what Persons ought or are liable to do the said Statute-work, and in what Proportion or Proportions, be it further enacted by the Authority aforesaid, That the several Surveyor or Surveyors, Supervisor or Supervisors of the Highways, of and for the respective Parishes, Townships, or Places, wherein the said Roads hereby intended to be repaired do re-

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

respectively lie, and in case no Surveyor or Supervisor shall be appointed for any such Parish, Township, or Place, then the Overseer or Overseers of the Poor of such Parish, Township, or Place, shall, yearly and every Year, during the Continuance of this Act, within Ten Days after being served with a Summons or Notice for that Purpose in Writing, under the Hands of any Five or more of the said respective Trustees, acting in the Execution of this Act, in the respective Counties aforesaid, give and deliver in to the respective Turnpike Surveyor or Surveyors, upon Oath, to be taken before any One or more Justice or Justices of the Peace of the said respective Counties, where such Parish or Township Surveyor or Overseer doth reside (which Oath such Justice or Justices of the Peace are hereby authorized and required to administer without Fee or Reward) an exact List or Account in Writing, under his or their Hand or Hands, of the Christian and Surnames of the several Persons who within such Parish, Township, or Place respectively, are obliged by Law to do the Statute-work for that Year, with Teams, Draughts, or otherwise, and also the Number of Days Works which each Person ought to do with such Teams, Draughts, or otherwise; and the Surveyor or Surveyors, Supervisor or Supervisors for such Parishes, Townships, or Places respectively, shall (within Ten Days after Notice given to him or them by the said Turnpike Surveyor or Surveyors respectively, of the Time or Times when, and how many of the Persons chargeable therewith he or they would have to do such their respective Statute or Days work, determined or ordered to be done as aforesaid, in and upon any Part or Parts of the said Roads hereby directed to be repaired respectively) summon or give publick Notice thereof to the Person or Persons liable to do the same as aforesaid; and if any of the said Surveyors, Supervisors, or Overseers of the said Parishes, Townships, or Places, shall refuse or neglect to deliver in such List or Lists, or to give such Notice as aforesaid, every such Surveyor, Supervisor, or Overseer, shall forfeit for every such Refusal or Neglect, the Sum of Five Pounds, to be recovered and levied in the same Manner as the other Penalties and Forfeitures herein before mentioned are directed to be recovered and levied, and shall be applied towards repairing and amending the Roads hereby directed to be repaired, in the respective County where such respective Forfeitures are incurred; and if any Person or Persons shall neglect or refuse (after such Summons or Notice given) to do such Statute-work so allotted, appointed,

Penalty on Surveyors neglecting to deliver in such Lists.

pointed, and ordered, to be done as aforeſaid, every ſuch Perſon or Perſons, for every Day he, ſhe, or they, ſhall make Default, ſhall forfeit and pay the Sum of Ten Shillings for each Team or Draught; and every Houſeholder and Perſon liable to do Statute-work making Default, ſhall forfeit and pay the Sum of One Shilling and Six Pence, for each Day's Default; which ſaid Forfeitures ſhall be recovered and levied in the ſame Manner as the other Forfeitures and Penalties herein before mentioned are directed to be recovered and levied, and ſhall be applied towards repairing the Roads hereby directed to be repaired, within the reſpective County where ſuch reſpective Forfeitures are incurred.

Perſons aggrieved may appeal to the Quarter Seſſions.

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

Surveyors with Conſent of Inhabitants may compound for Statute-work.

Provided alſo, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, of and within their reſpective Counties, or any Five or more of them, from time to time, to compound and agree with the Inhabitants of any of the Townſhips, Pariſhes, or Places, through which any of the ſaid Roads hereby intended to be repaired do lead, or with any of the Poſſeſſors or Occupiers of ſuch Lands, Tenements, or Hereditaments, as are or ſhall be liable or chargeable towards repairing of any of ſuch Roads, for a certain Sum of Money, or otherwiſe, by the Year, as the ſaid Truſtees in their reſpective Counties, or any Five or more of them, ſhall think reaſonable, in lieu of the Statute or other Work to be done by the Inhabitants of ſuch Pariſhes, Hamlets, or Townſhips, or by ſuch Poſſeſſor or Poſſeſſors, Occupier or Occupiers, of ſuch Lands, Tenements, or Hereditaments, chargeable as aforeſaid; Copies of all which Compoſitions or Agreements ſo to be made by the ſaid Truſtees as aforeſaid, ſhall be entered at length in the Book or Books to be kept by the ſaid reſpective Truſtees, or their Clerk or Clerks, Treaſurer or Treaſurers, for entering their Orders and other Proceedings.

And, for the better Recovery of such Sum or Sums of Money as shall be agreed to be paid by any Person or Persons, for or in lieu of the said Statute or other Work, be it further enacted by the Authority aforesaid, That in case any such Composition, so agreed to be paid, shall not be paid to the said Trustees, within their respective Counties, 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, within Fourteen Days after the same shall be demanded, it shall and may be lawful to and for any Justice or Justices of the Peace for the County where the Offence shall be committed, upon Oath made before him or them of such Default of Payment (which Oath any One or more Justice or Justices is and are hereby impowered and directed to administer) to issue a Warrant under his or their Hands and Seals, impowering such Person or Persons, so by the said respective Trustees, or any Five or more of them, appointed to receive such Composition-money, to levy the same by Distress and Sale of the Goods and Chattles of such Persons and Person as shall have so compounded for or in respect of the said Statute or Days Work, or of the Surveyor or Surveyors, Supervisor or Supervisors, of the Highways of such Parishes, Townships, or Places, for the time being; or, in Default of a Surveyor or Supervisor, of the Overseer of the Poor of such Parishes, Townships, or Hamlets, for or in respect of which such Composition was or were made, and the Goods and Chattles so distrained, after the Space of Four Days (such Composition and the reasonable Charges of distraining and keeping the Distress not being paid) to sell and dispose of in publick Sale, rendering the Overplus, if any be, to the Owner or Owners thereof, upon Demand, after the said Composition, and the reasonable Charges of distraining, keeping, and selling, shall be deducted; which Money so paid or levied, shall go and be applied towards amending the Roads hereby intended to be repaired in the respective County in which such Roads do lie, and to no other Use or Purpose whatsoever.

Composition-money how to be recovered and applied.

Provided always, and it is hereby enacted by the Authority aforesaid, That if any Surveyor or Supervisor of the Highways, or any Overseer of the Poor, of or for any Township, Parish, or Hamlet, in either of the Counties aforesaid, for which Composition shall be made for any Statute or Days Work as aforesaid shall pay the Composition-money; or in case the same shall be levied on him or them, in the Manner herein provided, all and every such Surveyors, Supervisors, and Overseers, shall

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

be reimbursed the Money he or they shall so pay, or which shall be levied on him or them respectively, together with the Charges he or they shall be put to on account of levying the same, in such Manner as by the Laws now in being Surveyors or Supervisors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for amending the 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 Turnpike Surveyor or Surveyors, within the said respective Counties, by order of the Trustees of such respective Counties for the time being, or any Five or more of them, to make Roads or Ways through, over, and along, any Grounds adjoining to any narrow or ruinous Part or Parts of the said Roads hereby intended to be repaired (not being a Garden, Orchard, Park, Paddock, or planted Walk, or Avenue to any House, or any Ground planted or set apart for any Nursery of Trees) to be made use by any Persons or Passengers with Horses, Coaches, Carts, Carriages, or otherwise, as a publick Highway or Road, during such Time as such old, narrow, or ruinous Road is repairing and made fit for Carriages to travel and go along, and no longer; making or causing to be made such reasonable Satisfaction to the Owners or Occupiers of such Ground so made use of as a temporary Way respectively, for the Damage he, she, or they shall severally sustain thereby, as shall be adjudged by the said Trustees for the time being, of the said respective Counties, or any Five or more of them; and in case any Owner or Owners, Occupier or Occupiers, of such Grounds, be not satisfied with the Determination or Judgement of the said Trustees in relation to such Damages; that then, and in every such Case, it shall and may be lawful to and for the Justices of the Peace, of and within the said respective Counties where such Grounds do lie, or any Three of them, at their next General Quarter Sessions of the Peace to be holden for such County, to hear, settle, adjudge, and finally determine the same.

making Satisfaction to the Owners.

Trustees not to repair Streets.

Provided also, and be it further enacted, That nothing in this Act shall authorize the respective Trustees, or any of them, to repair or amend the Pavements in the Streets of any Town within the said respective Counties, or any Bridge or Bridges, which have been or ought to be repaired by the Inhabitants of either of the said Counties, or by any particular District, Township, Ward, Hundred, Parish, or Person, having Lands or Tenements within either of such Counties; but that

such

such Streets and Bridges shall, from time to time, be repaired, maintained, and kept in Repair by such Person or Persons, Bodies Politick or Corporate, or Inhabitants liable to the Repairs thereof, in like Manner as the same were or ought to be respectively kept in Repair before the passing of this Act; and that no such Person or Persons, Bodies Politick or Corporate, or Inhabitants, shall, by virtue of this Act, or any Thing herein contained, be exempted or discharged from any such Repairs.

Trustees may lease the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, within their respective Counties, or any Seven or more of them, present at the first or any succeeding Meeting, from time to time, by any Writing under Hands and Seals, to demise, lease, and to farm let, the Tolls or Duties by this Act granted, or any Part of such Tolls or Duties, to any Person or Persons who shall be willing to take or farm the same, from Year to Year, or for any Term not exceeding Seven Years, for the best Price or Prices such respective Trustees can get for the same; payable at such Times, and under such Covenants, as the said Trustees, or any Seven 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 as the Tolls and Duties granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever; and such Lease or Leases to be made as aforesaid, shall be entered at length in the Book or Books, to be kept by the said respective Trustees, or their Clerk or Clerks, for the Entry of their respective Orders, and other Proceedings in the Execution of this Act.

Leases to be entered in a Book.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the said several Tolls or Duties, granted and made payable by the same, and all other the Powers hereby given, shall take Place and have Continuance only from and after the Twenty fourth Day of June One thousand seven hundred and sixty two, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament.

If the Roads shall be adjudged to be sufficiently repaired before the Expiration of the said Term and the Money due be raised, the Tolls, &c. to cease.

Provided always, That if at any Time before the Expiration of the said Term of Twenty one Years, all the said Roads hereby directed to be repaired shall be effectually amended and made good, and all such Money as shall have been borrowed upon the Credit of this Act, with the Interest thereof, and the Costs and Charges attending the

the same, and all Money due and owing on account of this Act, or the Execution thereof, shall be fully satisfied and paid, the aforesaid Tolls or Duties, and the Powers hereby granted and given shall cease and determine; any thing herein before contained to the contrary thereof in any wise notwithstanding.

And, for continuing a sufficient Number of Trustees for the said respective Counties for putting this Act in Execution, be it further enacted by the Authority aforesaid, That when and as often as any Trustee or Trustees, of and for the said respective Counties, shall die, remove, or refuse to act, it shall and may be lawful to and for the surviving and remaining Trustees for each County, or any Five or more of them, present at the First or any succeeding Meeting, by any Writing or Writings under their Hands, from time to time, to nominate, elect, and appoint, One or more fit Person or Persons (being duly qualified as herein before is directed) in the Room of such Trustee or Trustees so dying, removing, or refusing to act; Notice of the Time and Place of such Meeting for the Election of all and every such new Trustee or Trustees being first given in Writing under the Hand of the Clerk to the respective Trustees, to be fixed at or on all and every Turnpike or Turnpikes which shall be erected by virtue of this Act, in the County for which such Trustee or Trustees is or are to be elected, at least Fourteen Days before the Meeting for such Election; and all and every such Person and Persons as shall, from time to time to time, be chosen and appointed (being duly qualified) shall be joined with such surviving or remaining Trustees of each respective County, and shall and may, and be and they are hereby impowered to act within the respective Counties, to all Intents and Purposes, in as large and ample Manner as the said Trustees hereby appointed are impowered to act within the same.

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

14 Days Notice of Election to be given.

And be it further enacted by the Authority aforesaid, That the Trustees hereby appointed for repairing the said Roads in the County of Cumberland, or any Five or more of them, shall meet together at the Sign of the Royal Oak in Keswick aforesaid, on the Twenty first Day of June, One thousand seven hundred and fifty two, and shall adjourn themselves from thence, and meet at Cockermouth aforesaid, at such Time and Place there as shall be agreed and fixed upon at such First Meeting; and shall from thence adjourn themselves, and meet at Penrith aforesaid, at such Time and Place as shall be agreed and fixed at such Meeting at Cockermouth aforesaid; and shall afterwards hold their Meetings as often

Time and Place of Trustees Meeting.

as Occasion may require, at Keswick, Cockermouth, and Penrith, alternately, and in Rotation; and the said Trustees hereby appointed for repairing the said Roads in the County of Westmorland, or any Five or more of them, shall meet together at the Moot Hall in Kirby in Kendall aforesaid, on the said Twenty sixth Day of June, One thousand seven hundred and sixty two, and shall adjourn themselves from thence, and meet at such Time and Place as the said Trustees, or the major Part of them shall think proper, as often as Occasion shall happen to require to put this Act in Execution; and if it shall happen that there shall not appear at any such Meeting or Meetings within the said respective Counties, which shall hereafter be appointed to be held by the said respective Trustees, a sufficient Number of Trustees to act at such Meeting, or to adjourn to any other Time, then, and in such Case, the Clerk for the time being to such respective Trustees, shall and may, by affixing or causing to be affixed publick Notice in Writing, at or upon all the Turnpikes which shall be erected by virtue of this Act within the same County, at least Fourteen Days before the next Meeting, appoint such Trustees to meet at the House or Place where the last Meeting of the said Trustees was appointed to be held, on that Day Month next after the Day on which such last Meeting was appointed to have been held; and in case there shall not appear a sufficient Number of the said respective Trustees to act at such Meeting, and to adjourn as aforesaid, that then the said Clerk, by affixing or causing to be affixed such Notice as aforesaid, shall appoint such Trustees to meet at the House or Place where the Meeting of the said Trustees was appointed to be held, on that Day Month next after the Day on which such last Meeting was appointed to have been held; and so from time to time, the said respective Clerks for each County shall appoint a Meeting every Month until a sufficient Number of the respective Trustees shall appear and meet to act, or to appoint another Meeting by Adjournment.

In Default of a sufficient Number of Trustees to act.

Notice to be given of another Meeting.

Trustees to defray their own Expences.

Provided nevertheless, That all Meetings to be from time to time holden by the said respective Trustees, for the Purposes of borrowing Money, or making up Accounts in the Execution of this Act, within the respective Counties, shall, from time to time, be held at Keswick and Kirby in Kendall; of which Meeting or Meetings the respective Clerk or Clerks for each County shall give or affix up Notices as aforesaid, at least Fourteen Days before such Meetings respectively; and that the

the said respective Trustees at all their Meetings shall defray their own Charges and Expences.

Treasurer to give Security.

And be it also enacted by the Authority aforesaid, That the said Trustees of and for the respective Counties, or any Five or more of them, shall and they are hereby required to take such Security from the Treasurer or Treasurers, Collector or Collectors, to be by them respectively appointed for the Purposes in this Act mentioned, for the due Execution of his or their said Office or Offices, as they the said Trustees of such Counties respectively shall think fit and sufficient.

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 no Person or Persons, appointed or to be appointed a Trustee or Trustees, for putting of this Act in Execution, shall accept of any Place of Profit arising out of, or by reason of the Tolls or Duties hereby laid; but such Person or Persons shall, from the Time of accepting of such Place, be incapable of acting as a Trustee or Trustees, during his or their Enjoyment of such Place of Profit as aforesaid; nor shall any Person whatsoever act as a Trustee or Justice of the Peace in the Execution of all or any the Powers or Authorities hereby given in any Matter or Thing whatsoever, wherein he is directly or indirectly interested, but shall, on every such Occasion, withdraw and not be present.

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

Provided also, and be it further enacted by the Authority aforesaid, That all and every the Trustee and Trustees, appointed or to be appointed in either of the said respective Counties, that are or shall be in the Commission of the Peace for such County, shall and may nevertheless act as a Justice or Justices of the Peace, for the more speedy and effectual putting in Execution the several Powers and Authorities given in and by this Act, notwithstanding such Justice or Justices act as a Trustee or Trustees as aforesaid.

Roads to be measured, and Mile Stones erected.

And be it further enacted by the Authority aforesaid, That the said Trustees within their respective Counties, or any Five or more of them, present at their First, or any succeeding Meeting, shall and may order and direct the said Roads to be measured, and cause Stones or Posts to be set up in or near the Sides of the said Roads, at the Distance of One Mile from one another, denoting the Distance of such Stone or Post from any other Place, as to the said Trustees, or any Five or more of them, shall seem meet: And if any Person or Persons shall wilfully break, deface, or pull up any of the said Stones or Posts, or obliterate the Letters or Figures inscribed thereon, and be thereof convicted upon Oath before any One

Penalty on defacing Mile-stones, &c.

or more Justice or Justices of the Peace of the County where the Offence shall be committed, such Person or Persons so offending, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post so wilfully broke, defaced, or pulled up, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals of the Justice or Justices before whom such Conviction shall be made; such Forfeitures to be applied in repairing the Stones or Posts so broke up and defaced, or in supplying of new ones in their Stead; and if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid; and in case the Person or Persons so offending and convicted, shall have no Goods or Chattles within such County, whereupon the same can be levied, then it shall and may be lawful to and for any One or more Justice or Justices of the Peace as aforesaid, by Warrant under their Hand and Seal, or Hands and Seals, to commit such Person or Persons to the House of Correction for the County or Division wherein the Offences shall be committed, there to remain for the Space of One Calendar Month, to be reckoned from the Day of Commitment; and the Person or Persons shall not be discharged until he, she, or they, shall have paid the said Sum of Forty Shillings, and the Charges of conveying to such House of Correction, or until the Expiration of the said Calendar Month.

Penalty to be levied by Distress and Sale.

Offenders to be committed.

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, borrowed, received, paid, and laid out, by virtue of this Act, and also all Orders and Proceedings of the said Trustees, for each of the said respective Counties, shall from time to time be regularly entered in Books to be respectively kept for that Purpose; and that such Accounts shall be audited Once in every Year at least; that is to say, At the First Meeting of the said Trustees which shall be held after Easter yearly; and that Copies of all such Accounts, after they are so audited and passed by a Majority of the said Trustees at such Meetings, shall be filed with the Clerk of the Peace for each respective County, to be perused gratis at all reasonable Times by any Person or Persons, who may also demand and have Copies thereof, paying for the same, at the Rate of Three Pence per Sheet, each Sheet containing Ninety Words; and that such Orders and Proceedings, when so entered, shall be signed by the said

Proceedings to be entered in a Book.

respective

respective Trustees, or any Five or more of them, or by their respective Clerks; and the said Orders and Proceedings so signed shall be deemed and taken to be Original Orders and Proceedings, and shall and may be produced and read in Evidence in all Cases of Appeal, Suits, Actions, or other Proceedings, touching any thing done in pursuance and by Authority of this Act.

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

Provided also, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any of the Proceedings to be had, touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed, set aside, or vacated for want of Form, or be removed or removable by Certiorari, or any other Writ of Process whatsoever, into any of His Majesty's Courts of Record at Westminster; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress shall not be deemed to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on account of the Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage, in an Action upon the Case.

or removable by *Certiorari*;

Distress not to be deemed unlawful for want of Form;

nor the Party distraining to be deemed a Trespasser *ab initio*.

Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity as aforesaid, if Tender of Amends hath been made by or on Behalf of the Party distraining before such Action brought.

Plaintiff not to recover, if Tender of Amends hath been made.

Provided also, and it is hereby 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 any of the Trustees for putting this Act in Execution, or of any Justice or Justices of the Peace, or only signed by them, or any of them, or exhibited before them, or any of them respectively, touching, concerning, or in Execution of, any of the Powers or Authorities by this Act vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Writings to be without Stamps.

Provided also, and it is hereby further declared and enacted, That no Act, Order, or Determination, done or made at any Meeting or Meetings of the said respective

No Order to be repealed unless Seven Trustees are present.

Trustees, within the said respective Counties, shall afterwards be revoked, repealed, or set aside, by any subsequent Order of the said Trustees, without the Consent of Two Thirds of the Trustees present at such subsequent Meeting, of which Meeting or Meetings of the said Trustees, for the Repeal or setting aside of any such Order or Orders, Fourteen Days publick Notice in Writing shall be given and affixed by the Clerk to the said respective Trustees at or on all the Turnpikes within the respective County where such Meeting or Meetings is or are intended, in which Notice shall be specified the precise Time and Place of and for such Meeting or Meetings; and also mentioning what Order, Act, or Determination, is then and there intended to be repealed, revoked, or set aside.

No Victualler, &c. to have a Place of Profit.

And be it further enacted by the Authority aforesaid, That no Victualler or Retailer of Spirituous or Fermented Liquors, shall be capable of holding any Office or Place of Trust by virtue of this Act.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied by Distress and Sale of the Offender's Goods and Chattles, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the Counties of Cumberland or Westmorland respectively; which Warrants such Justice and Justices is and are hereby impowered and required to grant, upon the Information of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justice and Justices is and are hereby impowered and required to administer without Fee or Reward) and the said Penalties and Forfeitures, when recovered, after rendering the Overplus, if any, when demanded, to the Party or Parties whose Goods and Chattles shall be so distrained and sold, the Charges of such Distress and Sale being first deducted, shall be applied for and towards amending the Roads in the District in or in relation to which the Penalties and Forfeitures shall be incurred.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or prosecuted by any Person or Persons, for any Thing done in pursuance of this Act, or in relation to the Premisses, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be brought, laid, and tried, in the County where the same shall arise, and not elsewhere; and

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 same was done in pursuance and by the Authority of this Act; And if the same shall appear to have been so done; or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place; then and in such Case or Cases the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Suit, and after the Defendant or Defendants shall have appeared; and if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon a Demurrer, or otherwise, a Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law. General Issue. Treble Costs.

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

FINIS.