



ANNO QUARTO

GEORGIIV. REGIS.

Cap. xiii.

An Act for more effectually repairing the Road from *Preston* to *Garstang* in the County of *Lancaster*.
[2d May 1823.]

WHEREAS an Act was passed in the Twenty-fourth Year of the Reign of His late Majesty King George the Second, intituled *An Act for repairing and widening the Road from Preston to Lancaster, and from thence to a Place called Heiring Syke, that divides the Counties of Lancaster and Westmorland*: And whereas another Act was passed in the Twenty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act to continue the Term of an Act made in the Twenty-fourth Year of the Reign of His late Majesty King George the Second, for repairing and widening the Road from Preston to Lancaster, and from thence to a Place called Heiring Syke, that divides the Counties of Lancaster and Westmorland*: And whereas another Act was passed in the Forty-third Year of the Reign of His said late Majesty, intituled *An Act to continue the Term, and alter and enlarge the Powers of Two Acts, made in the Twenty-fourth Year of His late Majesty, and the Twenty-second Year of His present Majesty, for repairing the Road from Preston to Lancaster, and from thence to a Place called Heiring Sykes, and for maintaining and keeping in repair the Road from the Guide Post in the Township of Slyne with Hest, to a Place called Hest Bank in the said Township*: And whereas the Trustees appointed by or in pursuance of the said Acts for

[Local.] 4 N the

24 G. 2. c. 20.
22 G. 3. c. 88.
43 G. 3. c. 54.

the District of Road leading from the Town of *Preston* to the Town of *Garstang* in the said County, have proceeded to put the same in Execution, and a considerable Sum of Money has been borrowed, and is now due and owing on the Credit of the Tolls authorized to be taken on the said District of Road, which Money cannot be repaid, nor can the said Road be effectually amended, improved, and kept in repair, unless some of the Powers of the said Acts, so far as relate to the said District of Road, be altered and enlarged, and the Tolls increased; and it would be convenient if the Powers for managing the said Road were consolidated in one Act of Parliament: And whereas it will tend to the Accommodation of the Public, and the Inhabitants of the neighbouring Parts, if Power is given to alter and direct the Course of Part of the said District of Road in Manner following; *videlicet*, from the East End of a certain Street in *Preston* aforesaid called *Canal Street*, and ending near the South End of a certain Close of Land, the Property of *Edward Pedder* Esquire, and now or late in the Occupation of *Ann Pritt* Widow, which said Diversion is in the Township of *Preston*, in the Parish of *Preston*, and County of *Lancaster*; another Diversion commencing near to and on the West Side of a certain Building situate on *Preston Moor* called *The Old Race Stand*, and ending at or near the Third Mile Stone on the Side of the said District of Road from *Preston* to *Garstang*, which said last-mentioned Diversion is in the Townships of *Preston*, *Fulwood*, and *Broughton*, and in the Parishes of *Preston* and *Lancaster* in the said County of *Lancaster*; another Diversion commencing opposite the Gate leading to the Mansion House called *Barton Lodge*, and ending near the Fifth Mile Stone from *Preston* on the said Road, which said last-mentioned Diversion is in the said Township of *Barton*, and in the Parish of *Preston* aforesaid; another Diversion commencing near the Brick Kilns on the East Side of the said Road, and ending near to the Inn or Ale House on the West Side of the said Road, known by the Sign of *The White Bull*, which last-mentioned Diversion is in the Townships of *Barton*, *Bilsborough*, and *Myerscough*, and in the Parishes of *Preston*, *Lancaster*, and *Garstang*, all in the said County of *Lancaster*; and another Diversion commencing near to a Dwelling House in the Occupation of *George Holden* on the West Side of the said Road, and ending at the Bridge over the *Lancaster Canal*, North of a certain Place called *Bow Greave*, which said last-mentioned Diversion is in the Township of *Barnacre-with-Bonds*, and in the Parish of *Garstang* in the said County of *Lancaster*; and also to authorize and empower the Trustees, to be named in the said intended Act, to take the several Houses, Buildings, Gardens, Orchards, Folds, Courts, Yards, Plantations, and Lands herein-after mentioned, and to add the Sites or Grounds thereof to the said Road: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fourteenth Day of *April* One thousand eight hundred and twenty-three, the said Acts passed in the Twenty-fourth Year of the Reign of His said Majesty King *George the Second*, and in the Twenty-second and Forty-third Years of the Reign

Acts repealed, and this Act to be put in force.

of His Majesty King *George* the Third, so far as relate to the said District of Road from *Preston* to *Garstang*, shall be and the same are hereby declared to be repealed, and instead thereof this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair the Turnpike Road herein-after described.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, save and except such Parts thereof as are expressly varied, altered, or repealed by this Act, shall be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Powers of
3 G. 4. c. 126.
extended to
this Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed, and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts, or any of them, on the said District of Road, and of all Interest due and to grow due thereon, as fully and effectually to all Intents and Purposes, as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls granted by this Act; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said District of Road, or to any other Person or Persons for the Benefit of the said Trust, shall be liable to the Payment of all such Sum and Sums of Money to the Trustees for executing this Act; and all Bonds, Covenants, and Agreements, Contracts, and Securities entered into by any Person or Persons to or with the Trustees of the said District of Road, or any of them, according to the Provisions and Directions of the said recited Acts, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity until the same are fully satisfied and performed, on account and for the Benefit of the Trust created by this Act; and all Contracts or Agreements duly made or entered into by the Trustees of the said District of Road to or with any Person or Persons shall remain in full Force and Effect, and be observed and kept by the Trustees for executing this Act, according to the Terms or Stipulations thereof respectively, notwithstanding the Repeal of the said recited Acts.

New Term
and Tolls
liable to
Debts, &c.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Lancaster*, together with *Joseph Seaton Aspden*, *John Addison*, *Thomas Battye Addison*, *John Addison the younger*, *Richard Atkinson*, *Thomas Ainsworth*, *John Abraham*, *Ralph Alderson*, *Barton Fletcher Allen*, *John Allen*, *Thomas Fitzherbert Brockholes*, *Thomas Boys*, *George Boys*, *John Bairstow*, *James Blanchard*, *William Brakell*, *James Bleasdale*, *John Birley*, *William Birley*, *Thomas Birley*, *Joseph Bushell*, *Thomas Birchell*, *Thomas Ball*, *Robert Bickerstaff*, *James Baines*, *John Fenton Cawthorne*, *William Cross*, *Henry Cross*, *William Cross the younger*, *Thomas Buttler Cole*, *Samuel Crane*, *Greenhow Crane*, *John Crook*,
William

Trustees.

William Clayton of Grange, Edward Clayton, William Clayton Banker, William Saint Clare Doctor of Medicine, Paul Catterall, Peter Catterall, James Catterall, John Catterall, John Dalton, Gabriel Doveton, Hugh Dewhurst, James Dixon, Richard Baines Dixon, Richard Eccles, Thomas Wilson France, Thomas Wilson France the younger, John William Richard Wilson Henry Fielding, Joseph Fielding, Jeremiah Fielding, Francis Hodgkinson Fielding, Henry Fisher, Robert Friend, Charles Gibson, Charles Gibson the younger, the Reverend Robert Gibson, Evan Richard Gerard, John Gardner, Edward Greenalgh, James Greenalgh, the Reverend Thomas Shuttleworth Grimshaw, Nicholas Grimshaw, Edmund Grimshaw, John Green, John Gradwell, George Gradwell, Edward Gorst, Thomas Mee Gorst, Edward Gorst the younger, John Gorst, Septimus Gorst, John Greenwood, Samuel Horrocks, Edmund Hornby, Henry Hoghton, Samuel Horrocks the younger, Peter Horrocks, Robert Hesketh, Peter Hesketh, Charles Hesketh, the Reverend Hugh Hornby, James Heatley, Joseph Harrison, Henry Hulton, John Haliburton, John Hunter, the Reverend Robert Harris, Robert Holmes, George Jackson, William Jackson, Richard Jackson, Jonathan Jackson, Daniel Lion, John Law, Robert Law, William Leighton, William Lamb the younger, Edmund Lodge, Jonathan Lodge, Henry Myers, Thomas Miller, Edmund Margerison, Thomas Margerison, Thomas Moore Surgeon, William Miller, Matthew Miller, James Mounsey, Arthur Milson. Robert Miller, Richard Newsham, James Newsham, Richard Newsham the younger, Christopher Oliverson, Robert Townley Parker, John Parker, Henry Parker, the Reverend John Pedder, the Reverend James Pedder, Edward Pedder, James Pedder, Edward Pedder of Preston, Richard Pilkington, William Ormerod Pilkington, John Prichard, Roger Parkinson, John Paley, John Paley the younger, Richard Palmer, Philip Park, Lawrence Rawstorne, William Rawstorne, James Rothwell, Robinson Watson Robinson Doctor of Medicine, Joseph Robinson, Ralph Riddle, Lord Stanley, the Honourable Edward Geoffrey Stanley, the Honourable Henry Stanley, James Shuttleworth, Robert Shuttleworth, Thomas Starkie Shuttleworth, John Swainson, John Smith, James Sidgreaves, George Sidgreaves, Edward Robert Travers, William Talbott, John Troughton, Thomas Troughton, John Troughton the younger, James Threlfall, Richard Threlfall, William Threlfall, George Teebay, James Teebay, John Taylor, William Taylor, the Reverend Roger Carus Wilson, Richard Willis the younger, Thomas Westby, Thomas Walmsley, Richard Walmsley, Ralph Watson, Jackson Walton, John Walton, John Winstanley, Christopher Bland Walker, and their Successors, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the present Turnpike Road from the East End of Canal Street aforesaid in the Town of Preston to the Town of Garstang in the County of Lancaster; and for carrying into Execution this Act, and such of the Powers and Provisions of the said recited Act of the Third Year of the Reign of His present Majesty, as are not expressly varied, altered, or otherwise provided for by this Act.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, at a Meeting to be held for that Purpose (of which Meeting, and of the Purpose thereof, Ten Days Notice shall be given, as is directed by the said last recited Act respecting the Appointment of Trustees on Vacancies), to elect, nominate, and appoint any Number of fit

fit Persons, not exceeding Ten, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities for executing the said last recited Act and this Act, as if they had been named and appointed by this Act.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act into Execution, unless he shall be qualified in such Manner as in and by the said recited Act passed in the Third Year of the Reign of His present Majesty is directed and prescribed, and unless being so qualified he shall before he shall act as a Trustee (except in administering the Oath mentioned in the said last mentioned Act, and the Oath herein-after mentioned) take and subscribe before One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath following; that is to say,

‘ I *A. B.* do swear, That I will truly and impartially, according to the best of my Judgment, execute and perform the several Powers, Authorities, and Trusts reposed in me as a Trustee by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act [here set forth the Title of this Act]*, and also an Act passed in the Third Year of the Reign of His said Majesty, intituled *[here set forth the Title of the General Turnpike Act]*.
‘ So help me GOD.’

And if any Person shall act (except as aforesaid) before he shall have taken and subscribed the said Oath, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, 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 Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed: Provided nevertheless, that no Act or Proceeding, touching the Execution of the said Act of the Third Year of the Reign of His present Majesty or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

VII. And be it further enacted, That the said Trustees shall meet at some Place in the Town of *Preston*, and County of *Lancaster*, on the Fourteenth Day of *April* One thousand eight hundred and twenty-three, and proceed to put the said last recited Act and this Act into Execution.

VIII. And be it further enacted, That the said Trustees may and they are hereby empowered, by Writing under their Hands, to appoint such Collector or Collectors of the Tolls arising on the said Road, and Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors of the said Road, and such other Officers as the said Trustees shall think necessary; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers,

[*Local.*]

40

or

Trustees to be sworn.

Oath.

Penalty on Trustee acting not being qualified.

Meeting of Trustees.

Appointing Officers, Salaries, &c.

or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collectors, Clerks, Treasurers, Surveyors, or other Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of the said last recited Act and this Act, to allow and pay to the several Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be assisting them, or any of them, in or about the Execution of the said last recited Act and this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services, as the said Trustees shall deem reasonable.

Former
Officers to
continue.

IX. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer), who have been appointed under and employed in the Execution of the said former Acts hereby repealed, so far as the same relate to the said District of Road, shall respectively continue to exercise their Offices under this Act, until they shall respectively die, resign, or be displaced or be removed by the said Trustees, or be incapable of executing them, and shall be subject to the like Rules and Regulations, and Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Books, &c.
relative to
former Acts
to be deli-
vered to the
Trustees
under this
Act.

X. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said District of Road, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Papers, Writings, or other Things relating to the Road by this Act directed to be improved and repaired, shall account for and pay and deliver over the same and every Part thereof to the Trustees in and by this Act named and appointed, in like Manner, and under the like Penalties, as the several Collectors and other Persons receiving any Money by virtue of this Act are by the said recited Act passed in the Third Year of the Reign of His present Majesty and this Act required to pay or account for the same.

Books used
under former
Acts to be
Evidence.

XI. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts, so far as the same relate to the said District of Road, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Power to
continue and
erect Toll
Gates, Toll
Houses, &c.

XII. And be it enacted, That the said Trustees may and they are hereby authorized to continue or remove all or any of the Toll Gates and Toll Houses which have been erected in, upon, or across any Part of the said Road by virtue of the said Acts hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates and Toll Houses, Weighing Machine or Weighing Machines, in, upon, or across any Part of the said Road, and also in, upon, and across such Parts, and in such Places of the said Road by this Act directed to be widened, improved, or kept in repair; and also such and so many Toll Gate

Gate or Toll Gates on the Sides of the said Road as they the said Trustees shall think proper and expedient; and also shall or may erect or provide a Toll House with suitable Buildings, a Garden, and other Conveniences, not exceeding One-eighth Part of a Statute Acre of Land, at or near each of the said Toll Gates.

XIII. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Acts hereby repealed on the said Road, to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale to convey the said Toll Houses, Gardens, and Appurtenances, to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple, and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall, upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land as is by the said last recited Act directed to be given, where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to
sell the pre-
sent Toll
Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls following, at each and every of the Toll Gates or Toll Bars, or Toll Gate or Toll Bar, or Side Gate or Side Bar already erected by virtue of the said Acts upon the said Road to be repaired by virtue of this Act, and which by virtue of this Act shall be continued or erected in, upon, or across any Part of the said Road, and across or on the Side of any Street, Lane, Road, or Way leading into or out of any Part of the said Road, and on every Day, (such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night); (that is to say),

Power to
take Tolls.

For every Horse, Mule, or Ass, drawing any Coach, Berlin, Landau, Barouche, Chariot, Chaise, Chair, Gig, Hearse, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or Ass, drawing any Waggon, Wain, Dray, Car, Cart, Sledge, or other such like Carriage, the Sum of Sixpence:

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

For

For every Score of Oxen, Cows, or Neat Cattle, the Sum of One Shilling and Four-pence; and so in proportion for any greater or less Number: And,

For every Score of Sheep, Lambs, or Swine, the Sum of Ten-pence; and so in proportion for any greater or less Number:

Tolls to be paid before Cattle pass the Gates.

And the said respective Tolls shall (subject to the Restrictions in the said last recited Act and this Act contained) be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected, or to be erected or continued upon the said Road by virtue of this Act, or in, upon, or across any Lane, Street, or Way leading into the same.

Tolls to be vested in Trustees.

XV. And be it further enacted, That all and every the Tolls by the said recited Act of the Third Year of the Reign of His present Majesty and this Act authorized to be taken, shall be vested in the said Trustees, and the same and every Part thereof shall be levied, collected, paid, applied, disposed of, and assigned in manner directed by the said last mentioned Act and this Act.

Limiting the Number of Tolls.

XVI. Provided always, and be it further enacted, That no Person shall be liable to the Payment of more than Two full Tolls for passing or repassing with the same Horse, Beast, Cattle, or Carriage on the same Day, the whole Length of the said Road.

Stage Coaches, &c. to pay each Time of passing.

XVII. Provided always, and be it further enacted, That all Horses drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, shall be again chargeable with Toll for repassing through such Toll Gate, in like manner as if no Toll had been before paid thereat; and that the Toll hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing and repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring.

Exemption for Inhabitants of Fulwood and Broughton.

XVIII. And whereas by the Diversion of the said Road in the Townships of *Fulwood* and *Broughton* aforesaid, in manner herein-before mentioned, the Inhabitants of the said Townships of *Fulwood* and *Broughton* respectively will, under and by virtue of the said recited Act of the Third Year of the Reign of His said present Majesty and of this Act, be liable to repair and amend not only the said newly-diverted Parts of the said Road for the whole Lengths thereof in such Townships respectively, but also the said old Parts thereof, in lieu of which such newly diverted Parts are intended to be made, and on account of the Extent of the Burthen so cast upon them it is reasonable that the said Inhabitants should have Relief from the Payment of the full Tolls authorized by this Act to be collected in manner herein-after mentioned, be it therefore further enacted, That the Inhabitants of and Occupiers of Messuages, Lands, Tenements, and

and Hereditaments in *Fulwood* and *Broughton* aforesaid, shall not be subject or liable to pay at the present or any future Toll Gate or Toll Gates which shall be erected and set up under the Authority of this Act in or next adjoining to the said Townships respectively, on their Passage Southerly, nor in returning through the said Gate, more than One-half Part of the full Tolls authorized to be taken and recovered at such Gate or Gates respectively, nor be subject or liable to the Payment of any Toll whatsoever when passing or repassing with any Horse, Mule, or Ass, or any Cart, Caravan, or other Carriage laden with Milk, Butter, Cheese, or other Dairy Produce, whether the same has been bought or sold by them respectively, or is going to be sold by them respectively, nor in returning empty or unladen from carrying or conveying the same, such Milk, Butter, Cheese, or Dairy Produce, being the Produce of such Messuages, Lands, Tenements, or Hereditaments in *Fulwood* and *Broughton* aforesaid.

XIX. And be it further enacted, That from and after the Fourteenth Day of *April* One thousand eight hundred and twenty-three, all Demises, Leases, and Agreements for Leases of the Tolls heretofore ganted, shall cease and be void, and the said Trustees are hereby required to make a fair and just Compensation and Satisfaction to the present Lessee or Lessees of the said Tolls for any Loss or Damage which he, she, or they shall and may sustain thereby, in case the same shall be demanded; and such Compensation and Satisfaction shall and may be recovered by such Lessee or Lessees from the said Trustees, in case of Refusal to make the same, on Demand made to their Clerk or Treasurer, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be granted or allowed.

Leases
vacated.

XX. And be it further enacted, That all the Monies which, before the Day of the Commencement of this Act, shall have been raised and produced by virtue of the said Acts hereby repealed, for or in respect of the said District of Road, and by this Act directed to be kept in repair, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by the said last recited Act and this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be vested in the said Trustees for the Time being, and be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say), in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively, and in defraying the Expences of erecting and providing Toll Gates, Toll Bars, Toll Houses, and other Buildings, and keeping the same in repair, and of altering, raising, widening, repairing, and preserving the said Road by this Act directed to be kept in repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of this Act, and in reducing, paying off,

Applica-
tion of the
Money.

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and

and discharging the several principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Acts hereby repealed in respect of the said Road, and the several principal Sums of Money which may be hereafter borrowed and secured by virtue of this Act.

For paying
Creditors by
Lot.

XXI. Provided always, and be it further enacted, That in case the said Trustees shall at any Time or Times be desirous of paying off any Portion of the principal Monies due and owing upon the Credit of the said Road, it shall and may be lawful for them, at any Meeting to be holden as aforesaid (Notice of such intended Meeting, and of the Purposes thereof, being first given at least Fourteen Days preceding the same, by Advertisement in some Newspaper printed in or usually circulated within the said County of *Lancaster*), if they shall think fit, instead of paying the same rateably amongst all the Creditors, to determine by Lot to which of such Creditors the Whole or any Portion thereof shall be so paid, and to pay the same to such Creditor or Creditors only, or to any of the Creditors with the Consent of all the other Creditors; any thing herein contained to the contrary thereof notwithstanding.

Trustees not
personally
liable for
Mortgages.

XXII. Provided always, and be it enacted, That the Trustees appointed or to be appointed by virtue of this Act shall not be personally subject to or liable to be charged with the Payment of any Sum or Sums of Money by reason of their having signed or executed any Mortgage, or Assignment by way of Mortgage, or other Security to be made by virtue or in pursuance of the said recited Acts or this Act: Provided always, that in case any Action, Suit, or Prosecution shall be brought or commenced against the said Trustees for any thing done by virtue or in pursuance of the said recited Acts or this Act, all the Costs, Charges, and Expences of defending such Action, Suit, or Prosecution, shall be defrayed out of the Tolls arising on the said Road.

Road to be
made accord-
ing to Plan.

XXIII. And whereas Maps or Plans, describing the Lines of the several Deviations herein-before mentioned, and the Lands through which the same are to be carried, together with Books of Reference containing Lists of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Lancaster*; be it therefore enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the Clerk of the Peace for the said County, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and take Copies and Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace the Sum of Five Shillings for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts; and that the said Trustees in making such respective Deviations shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviations shall be made.

Lands mark-
ed in the
Plan may be

XXIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Deviations into, through,
across,

across, or over the several Lands, Hereditaments, and Premises of any Person or Persons who is or are or may be the Owner or Owners, or Occupier or Occupiers of Lands or Premises over which the same, or any Part thereof, is or are mentioned and described in this Act, or set forth and described in the said Maps or Plans or Lists as aforesaid, although such Lands or Premises, or the Name or Names of such Person or Persons, may happen to be erroneously described, omitted, or mis-stated in this Act, or in the said Maps or Plans or Lists, in case it shall appear to any Two or more Justices of the Peace for the said County of *Lancaster*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, or was not wilful; and such Certificate shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

used notwithstanding Errors in the Book of Reference.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, and for their Surveyor or Surveyors and Workmen, with or without Carriages and Cattle, from Time to Time to enter upon the Lands and Premises through which or whereupon the said Road hereby authorized to be made and kept in repair, or any Alteration or Deviation thereof is intended to pass; and also upon any adjoining Lands or Grounds, and to stake out the said Road, and cut and make any Drains or Ditches through or into any Lands or Grounds adjoining or lying contiguous to any Part thereof, and to make a temporary Way or Ways through or over any such adjoining Lands or Grounds (not being a Garden, Yard, Orchard, Park, Paddock, planted Walk, or Avenue to a House, or inclosed Ground planted and set apart as a Nursery for Trees), to be made use of as a public Highway whilst the narrow or ruinous Parts of the said Road are being widened or altered, and until the said Road shall be made safe and convenient for the Passage of Travellers and Carriages, in such Manner as the said Trustees shall think necessary or proper, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing upon any Part or Parts of such Lands or Grounds respectively for any of the Purposes of this Act, making Satisfaction to the Owners and Occupiers of such Lands and Grounds for the Damages that shall be thereby occasioned, such Damages to be ascertained and settled, in case of Dispute concerning the same, in the same Manner as the Value of Lands to be purchased or used by virtue of this Act is directed to be ascertained and settled in case of Dispute; and if any Person shall pull up, remove, or destroy any of the Stakes or other Marks used in laying out any Part of such Road, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to enter Lands to make Road.

XXVI. Provided also, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained, other than and except so much and such Part of such Dwelling Houses or other Build-

Trustees restrained from pulling down Dwelling Houses without Consent of the Owners.

ings,

ings, Orchards, Gardens, Yards, Parks, Paddocks, planted Walks, Avenues, and Nurseries for Trees, as are described in the Schedule to this Act.

Trustees to fence the new Road.

XXVII. And be it further enacted, That in all Cases where the said Trustees shall by virtue of this Act make any Part of the said Deviations of Road over and through any private Grounds, or shall take away any Fence for widening, diverting, or turning any Road already made, the said Trustees shall make or cause to be made proper Fences or Stone Walls on both Sides of such new made Road, or on the Side upon which any such Fence shall be so removed as aforesaid, so as effectually to guard and fence off the Lands adjoining to such Road, and also proper Gates, Bridges, and Arches, where necessary, out of the said Road into the Lands adjoining, and shall keep such Fences so to be made in good Order and Repair for and during the Term of Five Years from the Time that such Fences shall have been made or set up.

In case of Nonpayment of Compensation for Materials, &c. the same to be levied by Distress of the Goods of such Trustees or their Treasurer.

XXVIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same, within Fourteen Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of any Monies which he shall receive in pursuance of the said last recited Act or this Act, all such Costs, Charges, and Expences, as he shall be put unto by virtue of any such Order as aforesaid.

XXIX. And

XXIX. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road, or any Part thereof, and the Inhabitants of all such Parishes, Townships, or Places liable to do Statute Work upon or to contribute towards repairing and amending the said Road, or any Part thereof, shall still remain liable thereunto, in like manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County of *Lancaster*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors, by their Order), yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, or Places liable thereto, or in which the said Road lies, and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees or to their Treasurer or Treasurers; and in order thereto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, or Place, to bring in Lists before such Justices, at some Place to be expressed in such Summons (within Ten Days after the serving of such Summons, either personally or by leaving the same at his or their Dwelling House or Dwelling Houses), of the Names of the several Persons who within such Parish, Township, or Place, are by Law subject and liable to do Statute Work for that Year, or to the Payment of any Money in lieu of or as a Composition for such Statute Work, distinguishing the Nature of the Work to be done, whether with Teams or Draughts or otherwise, and also the Amount of the respective Sums to be paid, which Lists of Names shall be made in such Manner, and under such Regulations and Restrictions, as is or may be directed by any Law or Statute in force and effect for the Repair of the public Highways; and out of such Lists such Justices shall or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable, and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors, shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts to be provided by him, her, or them, be subject and liable to such Pains, Penalties, and Forfeitures as any Person or Persons may be subject or liable to by any Law or Statute in

Regulations
as to Per-
formance
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force

force and effect for the Repair of the public Highways; and if such Person who shall come to work as a Labourer, or who shall be sent with any Team or Draught to work on the said Road, shall be found idle or negligent by any Surveyor to the said Trustees, such Surveyor is hereby empowered to remove and turn off the Person who shall be found idle or negligent as aforesaid; and in that case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof in manner aforesaid, every such Surveyor so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Lancaster*, on Complaint made to such Justices by the Surveyor of the said Trustees.

Public Act.

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

Commence-
ment and
Continuance
of this Act.

XXXI. And be it further enacted, That this Act shall commence on the Fourteenth Day of *April* One thousand eight hundred and twenty-three, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

The

The SCHEDULE to which this Act refers.

In the Township of Preston.

A Public House and Yard on the Westwardly Side of the said Road, belonging to the Mayor, Bailiffs, and Burgesses of the Borough of Preston in the County of Lancaster, in Lease to Henry Barton, and in the Occupation of Richard Barton.

Divers Dwelling Houses and Outbuildings on the Westwardly Side of the said Road, belonging to the Trustees of Goosnargh Hospital, in Lease to the Right Honourable Edward Earl of Derby, and in the respective Possessions of Robert Barton, Robert Jamieson, Ann Morley, Ellen Sherliker, and John Walton.

A Garden on the West Side of the said Road belonging to the Heirs of the late Joseph Nixon, and in the Possession of Mary Nixon.

Divers Dwelling Houses and a Garden, on the West Side of the said Road belonging to Richard Pilkington, in the respective Possessions of William Hebson, William Hesketh, and Thomas Norcross.

Divers Dwelling Houses on the West Side of the said Road belonging to Ellen Barton, and in the respective Possessions of Henry Barton and Thomas Core.

In the Township of Broughton.

Gardens and Court on the West Side of the said Road belonging to and in the Possession of Thomas Boys.

A Cottage and Garden on the West Side of the said Road belonging to and in the Possession of William Yeats.

A Garden on the West Side of the said Road belonging to Richard Gerrard, and in the Possession of James Parkinson.

A Garden

A Garden and Orchard on the West Side of the said Road belonging to John Gillow, William Fisher, and William Wolf, in the Possession of John Park.

A Cottage on the East Side of the said Road belonging to Richard Bibby, in the Possession of Henry Green.

In the Township of Barton.

Two Cottages and Gardens belonging to James Shuttleworth, Esquire, in the respective Possessions of John Banks and Henry Bailey.

The Park and Plantations on the East Side of the said Road belonging to and in the Possession of the said James Shuttleworth, Esquire.

A Barn on the East Side of the said Road belonging to the said James Shuttleworth, and in the Possession of the said James Shuttleworth, and of James Stuart.

Divers Cottages and Gardens on the East Side of the said Road, belonging to the said James Shuttleworth, and in the Possession of Robert Read, John Jamieson, and James Walls.

Two Gardens on the West Side of the said Road, belonging to the said James Shuttleworth, in the Possession of William Abbot.

A Public House and Gardens on the West Side of the said Road, belonging to the said James Shuttleworth, Esquire, in the Possession of Richard Standen.

A Garden and Plantations on the East Side of the said Road, belonging to the said James Shuttleworth, in the Possession of Samuel Storer.

In the Township of Myerscough.

Divers Cottages and Gardens on the West Side of the said Road in the respective Possession of William Abbot and Jennet Hardiker.

Divers Gardens on the West Side of the said Road belonging to James Catterall, and in the several Possessions of James Smith and Christopher Dunderdale.

Divers Cottages and Gardens on the West Side of the said Road, belonging to Thomas Eidsforth, in the respective Possessions of George Hodgson, Thomas Hollinhurst, and William Woods.

A Garden and Fold on the West Side of the said Road, belonging to the Heirs of the late Gilbert Jameson, in the Possession of William Preston.

A Workshop and Garden on the West Side of the said Road, belonging to Robert Bellis, in the Possession of John Hogg.

Divers Gardens on the West Side of the said Road belonging to John Catterall, and in the several Possessions of Richard Latus, Henry Warbreck, and George Wilkinson.

A Garden, Court, and Plantations on the West Side of the said Road, belonging to Reubert Cook, in the Possession of John Barton.

Divers Gardens on the East Side of the said Road, belonging to the Township of Myerscough, in the several Possessions of John Darlington, John Preston, and Thomas Hindle.

An Orchard and Fold on the West Side of the said Road, belonging to James Bleasdel, in the Possession of George Bennett.

A Garden on the East Side of the said Road, belonging to the Heirs of the late James Parkinson, in the Possession of John Catterall.

A Garden on the West Side of the said Road belonging to Edward Greenalgh, Esquire, and in the Possession of Robert Mercer.

A Garden on the West Side of the said Road, belonging to the said Edward Greenalgh, Esquire, in the Possession of John Jackson.

In the Township of Bilsborrow.

Plantations and Pleasure Grounds on the East Side of the said Road, belonging to and in the Possession of the said Edward Greenalgh.

A Garden and Court on the East Side of the said Road, belonging to the said Edward Greenalgh, in the Possession of Thomas Heys.

In the Township of Claughton.

An Orchard on the East Side of the said Road, in the Possession of John Smith.

An Orchard on the West Side of the said Road, belonging to and in the Possession of William Noblett.

In the Township of Catterall.

Certain Gardens or Courts on the West Side of the said Road, the Property of Messieurs Fielding, and in the several Possessions of Thomas Bradshaw, Robert Burrow, and Thomas Bradley.

In the Township of Barnacre-with-Bonds.

Certain Grounds and Plantations belonging to Henry Fielding, Esquire.

Certain Gardens and Courts on the West Side of the said Road, belonging to His Grace the Duke of Hamilton, in the Possession of John Ibbotson.

Certain Courts or Gardens on the West Side of the said Road, belonging to Richard Jackson, in the respective Occupations of James Hall, Thomas Woolson, Thomas Beardsworth, Ellen Brash, and Robert Waring.

4° GEORGII IV. *Cap.* xiii.

Certain Gardens on the West Side of the said Road, belonging to His Grace the Duke of Hamilton, in the Possession of, George Holding.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1823.