



ANNO QUARTO

GEORGII IV. REGIS.

Cap. xxiv.

An Act for more effectually repairing and improving the Road from the Town of *Garstang* to the Town of *Lancaster*, and from thence to a Place called *Heiring Syke*, and the Road from the Guide Post in the Township of *Slyne with Hest* to *Hest Bank*, all in the County Palatine of *Lancaster*.

[12th *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* 24 G. 2. c. 20. 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* 22 G. 3. c. 88. 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* 43 G. 3. c. 54. continue the Term, and alter and enlarge the Powers of Two Acts made

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in the Twenty-fourth Year of His late Majesty and the Twenty-second of His present Majesty, for repairing the Road from Preston to Lancaster, and from thence to a Place called Heiring Syke, 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 the District of Road leading from Garstang, in the County Palatine of Lancaster, to Heiring Syke aforesaid, have proceeded to put the same in Execution, and several Sums of Money have been borrowed on the Credit of the Tolls granted and authorized to be taken by the said Acts on the said District of Road, the whole of which Sums remain due and owing and cannot be discharged, nor can the said District of Road be kept in repair and improved, unless further Provision be made by Parliament for imposing Tolls or Duties for that Purpose, and for altering, increasing, and regulating the same: And whereas the Powers and Provisions granted by the said recited Acts have been found defective and insufficient, and it would be more beneficial to the Public if the same Acts were (so far as the same or any of them relate to that Part of the said Roads as lies between the said Town of Garstang and the said Place called Heiring Syke, and also between the said Guide Post, in the said Township of Slyne with Hest and Hest Bank) repealed, and further and more effectual Powers granted in lieu thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty, intituled

3 G. 4. c.126. *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 Twelfth Day of May One thousand eight hundred and twenty-three, the said recited Acts of the Twenty-fourth Year of the Reign of His said late Majesty King George the Second and the Twenty-second and Forty-third Years of the Reign of His said late Majesty King George the Third (so far as the same or any of them relate to that Part of the said Roads as lies between the said Town of Garstang and the said Place called Heiring Syke, and also between the said Guide Post in the said Township of Slyne with Hest and Hest Bank) shall be and the same are hereby repealed, and that instead thereof this Act shall from thenceforth commence and be put in Execution during the Term herein-after mentioned, for the Purpose of more effectually repairing, altering, widening, improving, and keeping in repair the said Road from the said Town of Garstang to the said Town of Lancaster, and to the said Place called Heiring Syke, and the said Road from the said Guide Post in the said Township of Slyne with Hest to Hest Bank, all in the said County Palatine of Lancaster.*

Powers of
3 G. 4. ex-
tended to
this Act.

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,

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.

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 Three first recited Acts, or any of them, within the said District of Road, and of all Interest due and to become due thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed or become due on the Security of the Tolls or Duties by this Act granted; and that all and every Person and Persons owing any Rent or Rents, or other Sum or Sums of Money to the Trustees for executing such Acts for the said District of Road, or to any Person or Persons for the Benefit of the said Trust, shall be liable to the Payment thereof to the Trustees for executing this Act; and that all Bonds, Covenants, Agreements, Contracts, and Securities, entered into by any Person or Persons to or with the Trustees for executing the said Acts, or any of them, for the said District of Road, or with the Clerk to the said Trustees for the Time being, 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 said District of Road under this Act; and all Orders, Contracts, and Agreements already made or entered into by the said Trustees for executing the said Acts, for the said District of Road, hereby repealed, to or with any Person or Persons shall, so far as the same are not altered or avoided by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, according to the Terms and Stipulations thereof respectively, in such and the like Manner as if the said recited Acts had not been repealed.

New Term
and Tolls li-
able to former
Debts, &c.

IV. And be it further enacted, That all Roads and Portions of Road made, opened, widened, diverted, shut up, abandoned, or discontinued, under or by virtue of the Powers or Provisions of the said Acts hereby repealed, or the Trustees acting under the same, within the said District of Road, shall remain and continue open, widened, diverted, shut up, abandoned, and discontinued (subject nevertheless to the Powers and Provisions herein-after contained); and the Trustees under this Act shall be and they are hereby discharged from the Repair, Care, and Management of all Roads or Portions of Road so shut up, abandoned, or discontinued, in such and the like Manner as if the said Three first recited Acts had not been repealed.

Roads to
continue as
at the pass-
ing of the
Act.

V. And whereas the Trustees acting under the said Acts of the Twenty-fourth Year of the Reign of His said Majesty King *George* the Second, and the Forty-third Year of the Reign of His said late Majesty

Authorizing
the Trustees
to execute
Deviations

notwith-
standing the
Repeal of
former Acts.

Majesty King *George* the Third, or one of them, have, by virtue and in pursuance of the Powers and Authorities vested in them by the said Acts, or one of them, ordered the Line or Path of the said District of Road to be diverted for or in Three certain Parts or Portions thereof; that is to say, one Part or Portion thereof lying in the Townships of *Dalton* and *Priest Hutton*, between a certain Place called *Deerslott Gate*, and a certain other Place called *Longlands Inn*, in order to avoid passing over a Hill called *Buckstone Hill*; one other Part or Portion thereof, lying between the Second Mile Stone standing on the said District of Road, in the Township of *Scotforth*, Southward of the Town of *Lancaster*, and the South-west End of a certain Village in the Township of *Ellel*, called *Galgate*, in order to avoid passing over a certain Hill called *Galgate Hill*; and one other Part or Portion thereof, lying between a certain Place in the said Township of *Ellel*, also Southward of the said Town of *Lancaster*, called the *Grange Gates*, and a certain Place called the *Middle Hollins*, lying in the Township of *Cleveley*, in order to avoid passing over Two Hills, called *Salt Oak Hill*, and *Foxhole's Hill*; and the said Diversions are staked or otherwise marked out, and the said Trustees have contracted with the several Owners of the Lands through which the said Diversions are intended to be carried for the Land necessary to make such Diversions, and have paid the Purchase Money for the principal Part thereof, and the same Diversions are now making and executing, but are not completed, and the same will not be quite completed before the passing of this Act; be it therefore enacted, That the said Trustees shall and may, notwithstanding the Repeal of the said Acts, make, execute, and complete the said several Diversions of the said Road over the Lands or Grounds so contracted or agreed for as aforesaid, in case the same shall not be completed before the Commencement of this Act; and that after the said Diversions of the said Road shall be completed, the same shall respectively be deemed and taken to be and shall be Parts of the said District of Road intended to be hereby repaired and improved, to all Intents and Purposes, and as much as if the same had been made, executed, and completed before or at the Time of the passing of this Act; and that from and after such several Diversions shall be completed, the said Trustees shall be and they are hereby discharged from any further Repair, Care, or Management of the said Parts or Portions of the said District of Road, which shall by or in consequence of such Diversions be abandoned as Parts or Portions of the Line of the said District of Road.

Trustees ap-
pointed.

VI. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Lancaster*, together with the Right Honourable *Archibald Hamilton* commonly called Lord *Archibald Hamilton*, *John Armstrong*, *John Armstrong* the younger; *John Albright*, *Thomas Albright*, *William Atkinson*, *William Waltham Atkinson*, *Richard Atkinson*, *Montague Farrer Ainslie*, the Reverend *Gilbert Ainslie*, *James Atkinson*, *James Booth*, *John Brockbank*, *John Bradshaw*, *George Barrow*, *Richard Sparling Berry*, *John Bond*, *Thomas Bowes*, *Robert Bradley*, *Robert Greene Bradley*, *John Bolden*, *Christopher Burrow*,
George.

George Burrow, Thomas Butler Clerk, Bartholomew Bradshaw, Thomas Bell, Thomas Brown, Thomas Buttle, John Fenton Cartthorne, Edmund Clowes, James Carter, Edward Cumming; Roger Carus, Francis Carter, David Campbell Doctor of Physic, Christopher Clark, William Chorley, Thomas Butler Cole, Abraham Crompton, Wharton Crompton, James Clarke, John Dent, John Dowbiggin, John Dockray, Joseph Dockray, Edward Dawson, John Dodson, John Dodson the younger, John Dilworth, Ambrose Danson, Job Daker, John Dalton, Anthony Eidsforth, Thomas Edmonson, John Edmonson, John Ford, Abraham Rawlinson Ford, Joseph Fielding, Henry Fielding, George Fishwick; Henry Gardner, John Gardner; Edward Greenalgh, James Greenalgh, Thomas Giles, Thomas Giles the younger, Samuel Gregson, Samuel Gregson the younger, Thomas Greene, Robert Gillow, Richard Gillow, Charles Gibson the younger, Edmund Hornby, Robert Hesketh, the Reverend Robert Housman Clerk, John Higgin, John Higgin the younger, Thomas Housman Higgin, William Housman, William Hinde, Joshua Hinde, Samuel Hinde, David Hathornthwaite, William Hall, James Hodgson, Frederick Keppel, Frederic Walpole Keppel, John Kew, John Jenkinson, Richard Jenkinson, Robert Inman, Thomas Inman, Robert Jackson, John Langshaw, William Lamb of Hay Carr, John Lewthwaite, the Reverend John Manby, Stephen Moore, Thomas Mason, William Mason, James Barton Nottage, the Reverend William Nelson, the Reverend John Pedder, the Reverend James Pedder, John Peacock, Thomas Paget, Abraham Rawlinson, George Rogerson, the Reverend Henry Sill, Thomas Sill, the Reverend James Stainbank, Benjamin Satterthwaite, Thomas Walling Salisbury, the Reverend Thomas Saul, William Sharp, John Stout, William Swainson, Abraham Seward, Charles Seward, Henry Smith, Henry Smith the younger, John Scott, James Sawrey, John Sharp, William Sharp the younger, Richard Thompson, William Thompson, William Thompson the younger, Edmund Tatham, Lazarus Threlfall, William Turner, John Taylor Wilson, Richard Wakefield, John Welch, Thomas Woods, Richard Willock, William Wilson Carus Wilson, Thomas Wilson, Richard Willis, John Webster, Alexander Whitehead, George Wright, the Reverend John Marsden Wright, and their Successors, shall be and they are hereby appointed Trustees for repairing, altering, widening, and improving the aforesaid District of Road, from the said Town of Garstang to Heiring Syke aforesaid, and from the said Guide Post in the said Township of Slyne with Hest to Hest Bank aforesaid, and for executing 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.

VII. And be it further enacted, That it shall be lawful for the Trustees nominated and appointed by this Act, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose (of which Meeting Ten Days Notice shall be given by affixing the same on the Toll Gates upon the said District of Road, and by Insertion in some public Newspaper circulated in the said County Palatine of

Power to
appoint ad-
ditional
Trustees.

[Local.]

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Lancaster),

Lancaster), to elect and appoint any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees, so to be elected and appointed, shall be and are hereby invested with the same Powers and Authorities for executing the said recited Act of the Third Year of the Reign of His present Majesty and this Act, as if they had been nominated and appointed by this Act.

Trustees to
be sworn.

VIII. 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 or Affirmation mentioned in the said last-mentioned Act, and the Oath or Affirmation herein-after mentioned) take and subscribe, before any One or more of the said Trustees (who is and are hereby empowered to administer the same) the Oath or Affirmation following; (that is to say,)

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm*], 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.
‘ [*Or, being a Quaker, omit the Words ‘ So help me GOD.’*]

And if any Person shall act (except as aforesaid), before he shall have taken and subscribed the said Oath or Affirmation, 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 or Affirmation 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 or Affirmation previously to his having acted as such Trustee as aforesaid.

First Meet-
ing of Trus-
tees.

IX. And be it further enacted, That the said Trustees shall meet at the Town Hall, within the Borough of *Lancaster* aforesaid, on the Twelfth Day of *May* One thousand eight hundred and
twenty-

twenty-three, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Three in the Afternoon, and shall then proceed to carry the said recited Act of the Third Year of the Reign of His present Majesty, and this Act, into Execution.

X. And be it further enacted, That the said Trustees shall and may and they are hereby authorized, at their First Meeting to be held under this Act, and at any Time or Times afterwards when they may think proper, and occasion may require, from Time to Time, by Writing under their Hands, to be entered in the Book of Proceedings, to nominate and appoint one or more Treasurer or Treasurers, Clerk or Clerks, Surveyor or Surveyors, Collector or Collectors, and such other Officer or Officers for the said District of Road, as they the said Trustees shall think necessary, and from Time to Time to remove such Treasurers, Clerks, Surveyors, Collectors, and other Officers or any of them, and on such Removal, or when any of them shall die, misbehave, or resign their Office, or be incapable of performing their respective Offices, the said Trustees shall and may nominate and appoint another or others in the Stead or Place of such Officer or Officers as they shall remove, or who shall die, misbehave, or resign his or their Office or Offices, or become incapable of performing the same; and the said Trustees may and they are hereby authorized and empowered, out of any Monies arising by virtue of this Act, to allow and pay to such Treasurers, Clerks, Surveyors, Collectors, and other Officers, and to such other Person or Persons as shall be assisting them in or about the Execution of the said Act of the Third Year of the Reign of His present Majesty or of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, and Services, as the said Trustees shall from Time to Time deem reasonable.

For appoint-
ing Officers,
Salaries, &c.

XI. Provided always, and be it further enacted, That the Clerk, Surveyor, and other Officer and Officers (except the Treasurer of the said District of Road), who have been nominated and appointed under and by virtue of the said recited Acts hereby repealed, or any of them, shall hold and enjoy their several and respective Offices until they shall respectively die, resign, or be displaced or removed by the Trustees hereby appointed in Manner aforesaid, or who may be elected or appointed under or by virtue of the Powers and Directions given by the said Act of the Third Year of the Reign of His present Majesty, and be subject to the like Rules and Regulations, Pains and Penalties, in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Former Offi-
cers to con-
tinue.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service

Treasurer
and Clerk
not to be the
same Person.

Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act; and if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Books, &c. relative to former Acts to be delivered to the Trustees under this Act.

XIII. And be it further enacted, That every Treasurer, Clerk, Surveyor, and other Officer, or other Persons, who is or are or have been employed, or who have received or shall receive any Tolls or other Money by virtue or on account of the said Three first recited Acts hereby repealed, for the said District of Road, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Vouchers, Papers, Writings, or other Things, relating to the said District of Road, shall account for and pay and deliver over the same to the Trustees hereby appointed, in like Manner, and under the like Penalties, and with the like Powers to the Trustees for enforcing the Recovery thereof, as are directed with respect to any Officer or Person appointed under this Act by the said recited Act of the Third Year of the Reign of His present Majesty.

Books used under former Acts to be Evidence, &c.

XIV. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said Three first recited Acts for 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.

XV. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to continue or remove all or any of the Gates, Turnpikes, Bars, and Chains now standing in, upon, or across the said District of Road, or on the Sides thereof, and also to erect or cause to be erected such other Turnpike or Turnpikes, Toll Gate or Toll Gates, Bar or Bars, Chain or Chains,
in,

in, upon, or across any Part or Parts of the said Road, and any Weighing Machine or Weighing Machines as they may think proper, and also upon the Sides of the said Road, across any Lane or Way leading into or out of the same, or which shall or may at any Time or Times hereafter, during the Continuance of this Act, lead into or out of the same, and also to continue, erect, or provide a Toll House, with suitable Out-buildings and Conveniences, at or near each Toll Gate; and that the said Trustees shall and may from Time to Time afterwards remove, alter, or discontinue such Turnpikes, Toll Gates, Bars, Chains, or Toll Houses, or any of them, as they the said Trustees shall think expedient; and also shall and may take in and inclose from the Sides of the said Road convenient Garden Spots for the Toll Houses respectively, not exceeding One-eighth Part of a Statute Acre.

XVI. 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 Districts of 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, and the Outhouses, Gardens, and Appurtenances thereto belonging, when they shall be considered by the 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, Garden, 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 Nonapplication 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 when any Piece or Pieces of Ground, or old Road, not wanted for any Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to sell
the present
Toll Houses.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons continued or to be appointed as Lessee or Lessees, or Collector or Collectors of the Tolls or Duties to be payable under or by virtue of this Act, or the said Act passed in the Third Year of the Reign of His present Majesty, to demand and take at each and every Turnpike or Toll Gate, or Side Gate or Side Bar, continued or to be erected by virtue of this Act within the said District of Road, and from the Owner or Owners of or

Power to
take Tolls.

[*Local.*]

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Person

Person or Persons using, leading, driving, or attending any Horse, Mule, or other Beast, Coach, Waggon, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, before such Horse, Beast, Carriage or Cattle, Calves, Sheep, Lambs, or Swine shall be permitted to pass or repass, or return through the same Turnpike or Toll Gate, or Side Gate or Side Bar, or any of them (subject to the Provisions, Restrictions, and Exceptions in this Act and the said recited Act, made in the Third Year of the Reign of His present Majesty, contained), the following Sums or Tolls, or such Sum or Sums, not exceeding the following Sums or Tolls respectively, as the Trustees acting for the said District of Road, at any of their Meetings, shall from Time to Time appoint and order; (that is to say),

Tolls.

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

For every Horse, Mule, or other Beast, drawing every Coach, Chariot, Landau, Berlin, Chaise, Calash, Curricule, Hearse, Break, Whiskey, Gig, Chair, Car, or other such like Carriage, or Taxed Cart, the Sum of Sixpence :

For every Horse or Mule drawing any Stage Coach or other Stage Carriage, licensed to carry not exceeding Four Inside Passengers, and when drawn by One Horse or Mule only, the Sum of One Shilling and Three-pence :

For every Horse or Mule drawing any Stage Coach or other Stage Carriage, licensed to carry not exceeding Four Inside Passengers, and when drawn by Two Horses or Mules, the Sum of Nine-pence :

For every Horse or Mule drawing any Stage Coach or other Stage Carriage, licensed to carry not exceeding Four Inside Passengers, and when drawn by Three Horses or Mules, the Sum of Seven-pence :

For every Horse or Mule drawing any Stage Coach or other Stage Carriage, licensed to carry not exceeding Six Inside Passengers, and when drawn by Four Horses or Mules, the Sum of Sixpence :

For every Horse or Mule drawing any Stage Coach or other Stage Carriage, licensed to carry more than Six Inside Passengers, and when drawn by Four Horses or Mules, the Sum of One Shilling :

And for every additional Horse or Mule above Four, drawing any Stage Coach or other Stage Carriage, the Sum of Six-pence :

For every Horse, Mule, or other Beast, drawing any Waggon, Wain, Cart, or other such like Carriage, when drawn by One Horse, Mule, or other Beast only, the Sum of Four-pence :

For every Horse, Mule, or other Beast, drawing any Stage Waggon, Wain, Dray, Cart, or other such like Carriage, when drawn by Two or more Horses, Mules, or other Beasts, the Sum of Sixpence :

For every Horse, Mule, or other Beast, drawing any Caravan,
6 Van,

Van, or other such like Carriage with Four Wheels, and when drawn by Two Horses, Mules, or other Beasts, the Sum of Nine-pence :

For every additional Horse, Mule, or other Beast above Two, drawing any such last-mentioned Carriage, the Sum of Six-pence :

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

For every Score of Sheep, Lambs, Calves, or Swine, the Sum of Nine-pence, and in the like proportion for any greater or less Number.

XVIII. 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 the Manner directed by the said last-mentioned Act and this Act.

Tolls to be
vested in
Trustees.

XIX. Provided always, and be it further enacted; That no Person or Persons who shall have once on any Day paid the Toll or Duty, or Tolls or Duties, hereby imposed and directed to be paid for passing through any of the Toll Gates or Turnpikes to be continued or set up on the said District of Road by virtue of this Act, shall be liable to pay any further Toll or Duty, or Tolls or Duties, for repassing, passing, or returning, however often, through the same Toll Gate or Turnpike or Toll Gates or Turnpikes, or any of them, (at which Payment of Tolls has been made as aforesaid,) with the same Horses, Cattle, Beasts, and Carriages, on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, if such Person or Persons shall produce and shew to the Collector or Collectors of such Toll or Duty, or Tolls or Duties, a Ticket or Tickets denoting the Payment of such Toll or Duty, or Tolls or Duties, on his, her, or their first passing through such Toll Gate or Turnpike, or Toll Gates or Turnpikes; which Ticket or Tickets the Collectors of such Tolls or Duties are hereby required to give (*gratis*) on the Payment of such Toll or Duty, or Tolls or Duties: Provided also, that nothing herein contained shall authorize or empower the Trustees acting, or who may hereafter act for the said District of Road, to continue, erect, or set up more Toll Gates or Turnpikes than Two, across any Part of that Part of the said District of Road which lies between the said Town of *Garstang* and the said Town of *Lancaster*, nor more than One Toll Gate or Turnpike across any Part of that Part of the said District of Road which lies between the said Town of *Lancaster* and *Heiring Syke* aforesaid.

Tolls to be
paid only
once a Day.

XX. Provided

Further Regulations of Tolls at the Side Bars.

XX. Provided always, and be it further enacted, That no Person who shall have paid the Toll hereby granted for the Passage of any Horse, Cattle, or Carriage through any of the said principal Gates, shall be subject or liable the same Day to the Payment of any Toll at any Side Bars to be erected as aforesaid, for the passing and returning of the same Horse, Cattle, or Carriage through such Side Bar; nor any Person who shall have paid the Toll at any of the said Side Bars, for the passing of any Horse, Cattle, or Carriage through the same, shall be subject or liable the same Day to the Payment of any Toll at the principal Gate immediately next to the Side Bar at which he shall so have paid such Toll for the passing and returning of the same Horse, Cattle, or Carriage through such principal Gate immediately next to the said Side Bar.

Stage Coaches and Post Chaises to pay each Time of passing.

XXI. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts 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, the Tolls hereby made payable shall be again paid for repassing through such Toll Gate, in like Manner as if no Toll had been before paid; and that Toll shall be payable for or in respect of all Horses or other Beasts drawing Post Chaises and other Carriages travelling for Hire, for every Time of passing or repassing along the said District of Road on the same Day with a Ticket denoting a fresh Hiring.

Exemption for Lime, &c.

XXII. Provided always, and it is hereby further enacted and declared, That no Person or Persons shall be charged with any of the Tolls and Duties aforesaid, who shall pass through any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act, with any Carts, Waggons, Wains, or other Carriages, carrying any Lime for Manure, Dung, Mould, or Compost of any Nature or Kind whatsoever.

Exemption for agricultural Produce.

XXIII. Provided always, and be it enacted, That no Toll shall be demanded or taken by virtue of this Act, for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Dung, Soil, Compost, or Manure for improving Lands, or any Ploughs, Harrows, or Implements of Husbandry (unless laden also with some other Thing not exempted from Toll by the said recited Act of the Third Year of the Reign of His present Majesty), or any Hay, Straw, Fodder for Cattle, and Corn in the Straw, which has grown or arisen on Land or Ground in the Occupation of the Owners of any such Hay, Straw, Fodder, or Corn in the Straw, Potatoes, or other agricultural Produce, and which has not been bought, sold, or disposed of, nor is going to be sold or disposed of,

of, or for any Horses or other Beasts employed in Husbandry, going to or returning from Plough or Harrow, or to or from Pasture or watering Place, such Horses or other Beasts not going or returning on those Occasions more than Two Miles on the said District of Road; and if any Person shall claim or take the Benefit of the said Exemption, not being legally entitled to the same, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, and the Proof of Exemption shall lie on the Person claiming the same.

XXIV. Provided also, and be it enacted, That the Powers and Authorities hereby, or by the said recited Act made in the Third Year of the Reign of His present Majesty, 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 any Part thereof, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Trustees
must not pull
down Dwelling
Houses
without Con-
sent of the
Owners.

XXV. And be it further enacted, That from and after the Twelfth Day of *May* One thousand eight hundred and twenty-three, all Demises, Leases, and Agreements for Leases of the Tolls heretofore granted and payable at the Toll Gate standing on this District of Road, called *Beaumont Gate*, and of the Toll House, Buildings, and Appurtenances thereto belonging, 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 and Toll House and Appurtenances, for any Loss or Damage which he, she, or they shall or 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 the then 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 va-
cated.

XXVI. And be it further enacted, That no Preference shall be given to any Person or Persons who hath or have heretofore advanced any Sum or Sums of Money on the Credit of the Tolls granted by the said recited Acts passed in the Twenty-fourth Year of the Reign of His said late Majesty King *George* the Second, and in the Twenty-second and Forty-third Years of the Reign of His said late Majesty King *George* the Third, or the Third Year of the Reign of His present Majesty, or any of them, within the said District of Road, or who shall hereafter advance any Sum or Sums of Money on the Credit of the Tolls granted by this Act, or to his or their Assignee or Assignees, in respect to the Priority of the Mortgage or Assignment, or Mortgages or Assignments, or other Security or Securities for the same, or of advancing such Sum or Sums of Money, but that as well all Persons to whom any such Mortgage or Assignment shall hereafter be made or given, his, her, or their Assignee or Assignees,

No Priority of
Mortgages.

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as also all and every Person or Persons to whom any such Mortgage or Assignment hath or have heretofore been made or given, shall (in proportion to the Sum or Sums therein mentioned) be Creditors under this Act, and in equal Degree one with another, without any Preference or Priority:

For paying
Creditors by
Lot.

XXVII. Provided always, and be it further enacted, That in case the said Trustees shall at any Time be desirous of paying off any Portion of the Principal Monies now due and owing, or hereafter to become due and owing on Mortgage of the Tolls payable on the said Districts of Road, it shall and may be lawful for them at any Meeting, (Notice of such intended Meeting, and of the Purpose thereof, being first given, at least Twenty-one Days preceding the same, by Notice to be affixed to the Toll Gates on the said Road, and to be inserted in some Newspaper circulated in 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.

Trustees,
Creditors,
&c. may be
Witnesses.

XXVIII. And be it further enacted, That no Person shall be deemed incompetent to give Evidence, or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings, to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace, under or by virtue of this Act, by reason of his being a Trustee of the said Road, or a Mortgagee or Creditor of the Tolls thereof, or a Farmer, Lessee, or Collector of such Tolls, or a Treasurer or Clerk or Surveyor, or other Officer under this Act, nor shall such Testimony or Evidence, for any of the Reasons aforesaid, be rejected or liable to be questioned or set aside.

Trustees not
to be per-
sonally lia-
ble to Mort-
gages, &c.

XXIX. 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 answerable for or charged or chargeable with the Payment of any Sum or Sums of Money, by reason of their having already signed or executed, or hereafter signing or executing any Mortgage, or Assignment by way of Mortgage, or other Security made or to be made of or affecting the Tolls heretofore payable under or by virtue of the said Acts of the Twenty-fourth Year of the Reign of His said Majesty King *George* the Second, and the Twenty-second and Forty-third Years of the Reign of His late Majesty King *George* the Third, or any of them, under the Authority and pursuant to the Directions of the said last-mentioned Acts, or the said Act passed in the Third Year of the Reign of His present Majesty, or of 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 District of Road hereby directed to be amended and repaired.

XXX. And be it further enacted, That from and after the passing of this Act, the Sum of Four Pounds and Ten Shillings *per Centum per Annum* on the aggregate Amount of all the principal Monies now due and secured on the Tolls of the said District of Road, and on the Amount of every further Sum of Money which shall be afterwards borrowed or taken up at Interest on the Credit or Security of the Tolls hereby granted and imposed, shall be charged on, and during the Continuance of this Act be appropriated and paid out of the Tolls hereby granted and imposed, in order to form a Sinking Fund for the gradual Payment of all and every the said Monies, in Manner herein-after directed; and that after the Payment of any such principal Monies the full Interest which would have been otherwise payable for or in respect of the same to the Creditor or respective Creditors, shall, from thenceforth and during the Continuance of this Act, be charged on and appropriated and paid out of the said Tolls, in Aid of the said Sinking Fund; and that as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, then and in such Case that Sum, or any further Part of the Balance in the Hands of the Treasurer, if the Trustees shall think proper, shall be applied in Payment of an equal Amount of the principal Monies borrowed or to be borrowed by the said Trustees upon the Credit or Security of the Tolls arising from the said District of Road, and then remaining due and owing to or amongst the said Creditors, without regard to the specific Fund upon which their Securities were charged, and either rateably or by Lot, as the said Trustees shall think proper.

Sinking Fund.

XXXI. And be it further enacted, That the Monies already received under or by virtue of the said Three before-recited Acts, and the Monies which shall be raised or received under or by virtue of this Act, shall be applied and disposed of by the said Trustees in Manner following; (that is to say), in the first Place, in paying and discharging all the Costs and Expences of and relating to the procuring and passing of this Act; secondly, in paying and discharging all the Interest which shall, at the Commencement of this Act, be owing to any Mortgagee or Mortgagees of the Tolls or Duties heretofore payable on this District of Road; thirdly, in paying and discharging all Interest which shall hereafter accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls or Duties heretofore payable on this District of Road, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls or Duties which shall hereafter be payable on the said District of Road; fourthly, in defraying and discharging the Expences of erecting, finding, and providing Toll Houses and Toll Gates or Turnpikes, and necessary Outbuildings and Gardens to be attached thereto, on the said District of Road, and of supporting and keeping such Toll Houses, Outbuildings, and Toll Gates in Repair, and the Expences of widening, diverting, altering, improving, repairing, and keeping in Repair the said District of Road; fifthly, in paying the said Amount of Four Pounds and Ten Shillings *per Centum per Annum* for providing a Sinking Fund as is herein-before directed; and lastly, in reducing, paying off, and discharging

Application of Tolls and Money borrowed.

charging the whole principal Sums of Money for the Time being due or to become due on Mortgage or Security of the Tolls or Duties granted by the said Act passed in the Third Year of the Reign of His present Majesty and this Act, and all other Debts and Sums of Money now owing, and which may hereafter become due and owing by or on account of this Trust.

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

XXXII. 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 Ten 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 and 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 Warrant as aforesaid.

Regulations as to Performance of Statute Work.

XXXIII. 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

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 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 Justice 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 Justice 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 Justice 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 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

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who

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 which 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 said County of *Lancaster*, on Complaint made to such Justices by the said Surveyor to the said Trustees.

Public Act.

XXXIV. 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.

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

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