



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxx.

An Act to repeal an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from Preston to Garstang in the County of Lancaster*; and to make other Provisions in lieu thereof. [30th June 1852.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road from Preston to Garstang in the County of Lancaster*: And whereas the Term granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One-thousand eight hundred and fifty-two: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, and such Money cannot be paid off, unless further Powers are granted, and the Term of the said Act further continued: And whereas it is expedient that the said recited Act should be repealed,
[Local.] 20 N and

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and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Recited Acts repealed.

I. That upon the Thirtieth Day of *October* next after the passing of this Act the said recited Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Preston and Garstang Turnpike Road Act, 1852.*"

Roads to which this Act is applicable.

III. That this Act shall be put into execution for the Purpose of more effectually maintaining, keeping in repair, and improving the present Turnpike Road from the Boundary of the Borough of *Preston* in the County of *Lancaster* to the Town of *Garstang*, also in the said County of *Lancaster*.

Monies and Property to vest in the new Trustees.

IV. That all Monies due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action vested in or belonging to the Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same and act in respect thereof as effectually as if the same had been vested in and belonged to them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except such of the same Debts and Engagements as are by this Act extinguished.

Mortgagees in possession to account.

V. That on or before the Thirtieth Day of *November* next after the passing of this Act the Mortgagees in possession of the Toll Gates, Toll Houses, and Buildings upon the said Road shall render an exact Account in Writing to the Clerk for the Time being to the Trustees of the said Road, at his Dwelling House, or to such other Person as the Trustees of the said Road for the Time being shall direct, of all Monies received by such Mortgagees, or by any other Person for their Benefit or by their Authority, at such Toll Gates and Toll Houses or otherwise, and of all Monies expended by them in keeping or repairing the said Road, Toll Gates, and Toll Houses, and of the Manner in which they shall have disposed of the Residue of the

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the Monies so received, and shall produce all the Vouchers and Receipts in their Possession or Power relating to such Accounts, and shall, on or before the Thirtieth Day of *November* next after the passing of this Act, pay over to such Person as the Trustees by this Act appointed shall direct to receive the same all Monies (if any) which shall appear to be due from the said Mortgagees on the Balance of such Accounts.

VI. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Lancaster*, together with *John Abraham, Philip Addison, Barten Fletcher Allen, William Bashall, Hugh Beconsall, John Beconsall, Thomas Birchall, Richard Branthwaite, Edward Branthwaite, Thomas Fitzherbert Brockholes, Robert Brown, Paul Catterall, Paul Catterall the younger, Peter Catterall, John Catterall, Thomas Clarke, Thomas Butler Cole, William Dillworth Crewdson, James Dandy, William Dickson, Joseph Briggs Dickson, Richard Baines Dixon, Henry Paul Fleetwood, John Gardner, James German, Edward Gorst, John Gorst, Edmund Robert Harris, the Reverend Robert Harris Clerk, Thomas Harris, Thomas Harrison, William Holmes, Robert William Hopkins, Thomas Howard, John Horrocks, John Humber, William Humber, John Hunter, Edward Hutton, the Reverend William Hutton Clerk, Jonathan Jackson, John Knowles, Robert Lowe, Henry Miller, William Miller, Thomas Monk, Roger Moser, Thomas Munday, Christopher Oliverson, John Paley, John Paley the younger, Richard Palmer, Philip Park, Edward Pedder, the Reverend James Pedder Clerk, Richard Renshaw Rothwell, Michael Satterthwaite, Abraham Sedgwick, Thomas Starkie Shuttleworth, Robert Snell, John Swainson, John Swainson the younger, Edward Swainson, William Taylor, George Teebay, James Teebay, William Thornborrow, Henry Threlfall, Richard Threlfall, Thomas Troughton, John Wakefield, Christopher Bland Walker, Thomas Walmsley, Isaac Wilcockson, John William Richard Wilson, John Winstanley, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.*

Appoint-
ment of new
Trustees.

VII. That it shall be lawful for the said Trustees from Time to Time, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to
appoint ad-
ditional
Trustees.

VIII. That the said Trustees shall hold their First Meeting at the Town Hall in *Preston* aforesaid, or at some other convenient Place

Meetings of
Trustees.

in

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in the Neighbourhood of the said Road, on the Third Day of *November* One thousand eight hundred and fifty-two, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall then and from Time to Time thereafter adjourn to and meet at such Time, and at such Places in the Neighbourhood of the said Road, as they shall think proper.

Power to
appoint
Committees.

IX. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting; and the said Committees and their Surveyor may proceed to act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Tolls
continued
for a Term.

X. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the said Road until the Sixth Day of *December* One thousand eight hundred and fifty-two.

Power to
take Tolls.

XI. That upon and after the said Sixth Day of *December* One thousand eight hundred and fifty-two it shall be lawful for the said Trustees to demand and take, at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

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

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of One Penny Halfpenny;

For every Ass drawing any Carriage of any Description, the Sum of Threepence;

For every Ass, laden or unladen, and not drawing, the Sum of One Penny;

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of One Shilling for each Wheel thereof;

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Tenpence, and so in proportion for any greater or less Number;

For

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For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Fivepence, and so in proportion for any greater or less Number; and,

For every Dog drawing any Carriage or other Vehicle, the Sum of One Penny:

And the said respective Tolls shall, subject to the Restrictions in 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 or on the Sides thereof by virtue of this Act.

XII. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

As to the Fraction of a Halfpenny in Tolls.

XIII. That no more than Two full Tolls shall be taken for passing or repassing on the same Day, with the same Horse, Beast, Cattle, or Carriage, or other Animal or Thing liable to Toll, through all the Toll Gates erected or to be erected on the said Road.

Only Two full Tolls to be taken on the same Day.

XIV. That all Horses, Beasts, Cattle, or other Animals, (except Horses or Cattle drawing any Stage Coach, Omnibus, Stage Waggon, or other Stage Carriage, Postchaise or other Carriage travelling for Hire, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning, passing, and repassing through the same Toll Gate, and in going and returning, passing and repassing through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Persons having paid Toll to return free.

XV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise 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, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Postchaises, &c. to pay every fresh Hiring.

XVI. That all Horses or other Beasts of Draught drawing any Stage Coach, or any Omnibus, 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 Toll Gate, shall be again charge-

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

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able with Toll for repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat.

Regulations
as to Stage
Coaches.

XVII. That all Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage, and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Exemption
for Inhabi-
tants of Ful-
wood and
Broughton.

XVIII. That the Inhabitants of, and Occupiers of Messuages, Lands, Tenements, and Hereditaments in the several Townships of *Fulwood* and *Broughton*, both in the said County of *Lancaster*, 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 in their Passage Southerly, nor in returning through the said Gate or Gates, 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 other Dairy Produce being the Produce of such Messuages, Lands, Tenements, or Hereditaments in *Fulwood* and *Broughton* aforesaid.

Regulations
respecting
Toll Gates.

XIX. That the several Toll Gates and Toll Houses now standing or being upon the said Road or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up, in or across the said Road or on the Sides thereof, any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House now standing or being upon the said Road or on the Sides thereof;

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thereof; and all the Provisions of this Act with regard to any Toll Gates or Toll Houses now standing or being upon the said Road or on the Sides thereof shall apply to any Toll Gate or Toll House to be erected or set up in or across the said Road or on the Sides thereof.

XX. That all Monies which shall come to the Hands of the said Trustees by virtue of this Act shall be applied as follows; (that is to say,) Application of Monies.

Firstly, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

Secondly, in defraying the necessary Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, and the necessary Expenses of Management of the said Roads, not exceeding Thirty Pounds *per Annum*:

Thirdly, in paying Interest at the Rate of Two Pounds *per Centum per Annum* upon the Principal Sum of Seventeen thousand five hundred and fifty-eight Pounds Three Shillings and Threepence, or such Part thereof as may from Time to Time be owing in respect of Money heretofore borrowed on the Credit of the Tolls authorized to be taken on the said Road:

Fourthly, in paying the Expense of maintaining and keeping the said Road in repair, but subject to the Proviso that the Amount so applied shall not exceed in any One Year the Sum of One hundred and twenty Pounds:

Fifthly, in reducing, paying off, and discharging, in manner herein-after mentioned, the said Principal Sums for the Time being owing in respect of the Monies borrowed on the Credit of the Tolls authorized to be taken on the said Road:

Sixthly, in maintaining, keeping in repair, and improving the said Road, and in putting this Act into execution with reference thereto.

XXI. That all Arrears of Interest due in respect of the said Principal Monies advanced upon the Credit of the Tolls payable upon the said Road shall be and the same are hereby extinguished. Extinguishing Arrears of Interest.

XXII. That on or before the said Thirtieth Day of *November* next after the passing of this Act the Mortgagees in possession of any of the Toll Gates, Toll Houses, or Buildings upon the said Road or on the Sides thereof shall deliver up the same to the said Trustees, and the said Trustees, their Collectors and Servants, shall enter into possession of the said Toll Gates, Toll Houses, and Buildings, and shall thenceforth receive the Tolls which can be collected thereat; and if any Collector, Receiver, or other Person shall refuse or neglect to deliver up Possession as aforesaid of any of the said Toll Gates, Mortgagees to deliver up Possession of Gates.
Toll

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Toll Houses, or Buildings, then such Collector, Receiver, or other Person may be removed therefrom in manner provided by any Law or Statute then in force relating to Turnpike Roads in *England*.

Mortgagees
to take pos-
session for
Payment of
Interest only.

XXIII. That whenever and as long as the Interest upon all existing Mortgages made under the Powers of the said recited Act shall be duly paid, at the Rate herein-before mentioned, within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due, at the Rate herein-before mentioned, upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk of the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act, or in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

As to Mode
of discharg-
ing Debt.

XXIV. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at any general annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to Persons entitled thereto, and shall cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, such Notice to be by Circular addressed to each Creditor at his usual or last known Place of Abode, and sent by Post Twenty-eight Days at least before such general annual or other Meeting; and at such Meeting the Trustees shall

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shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall by Proposal in Writing, transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Monies owing on the Security of the said Tolls to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

XXV. That no Money shall be laid out by the said Trustees on the said Road within the Towns of *Preston* or *Garstang*, or either of them, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected therein by them.

No Money to be laid out or taken in Towns.

XXVI. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

No more Money to be borrowed on the Tolls.

XXVII. That nothing herein contained shall be deemed to exempt the said Road from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Road not exempted from Provisions of future General Acts.

XXVIII. That this Act shall commence on the Thirtieth Day of *October* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Commencement and Term of Act.

[*Local.*]

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XXIX. That

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Interpre-
tation of
Terms.

XXIX. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

The Word "Person" shall be understood to include Corporation :

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act :

The Expression "the Road" or "the said Road" shall mean the Road to which this Act applies :

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates.

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