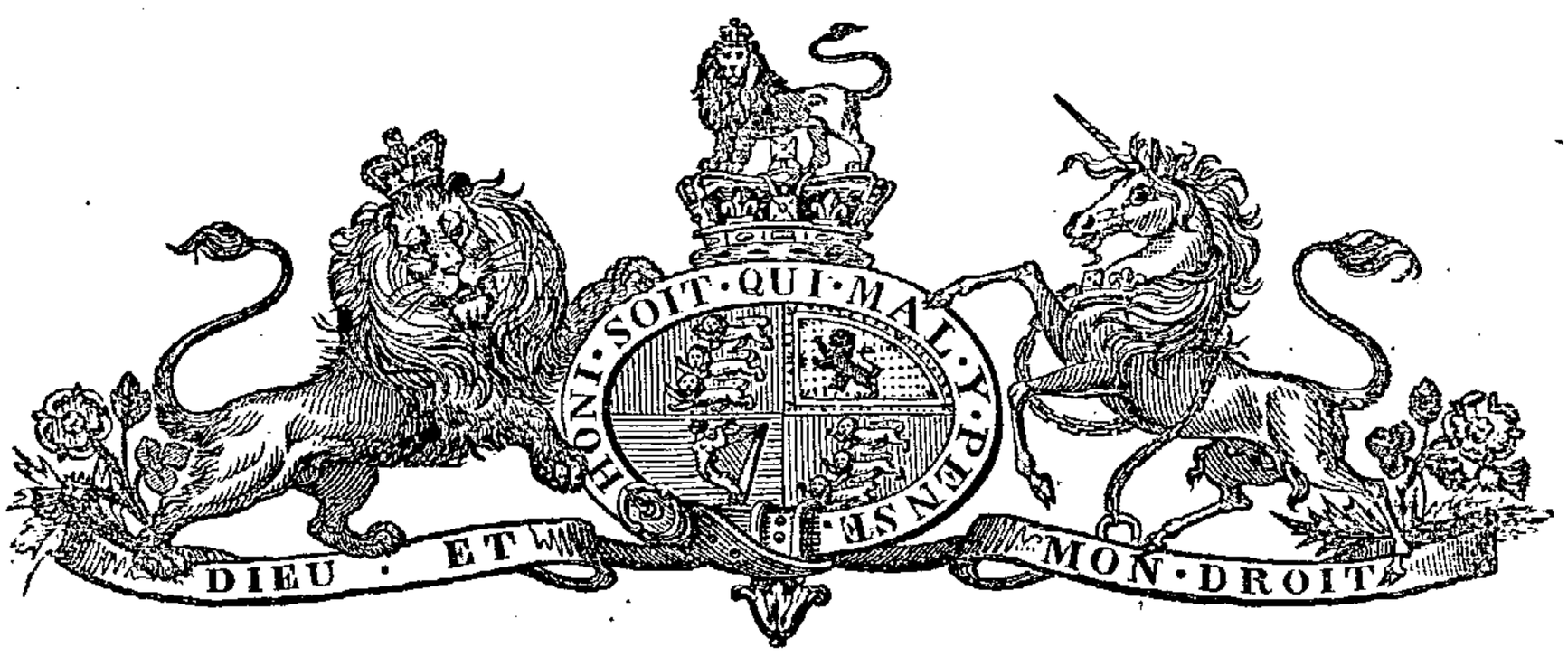


ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

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the better Management and Regulation of the Affairs of the Trust: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but the Purposes aforesaid cannot be effected without the Authority of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, That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned: Provided always, that the Repeal of the said recited Act shall not revive any Act or Part of an Act repealed by the Act hereby repealed.

Recited Act repealed, and this Act to be put in force.

All Arrears of Monies due under recited Act vested in new Trustees.

II. And be it enacted, That all Rents, Arrears of Tolls, and other Monies due to, and all Property and all Choses in Action vested in, the Trustees under the Act hereby repealed shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover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 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 Time of the Repeal thereof.

Mortgagees in possession to account.

III. And be it enacted, That within One Month next after the Commencement of this Act the Mortgagees in possession of the Toll Gates, Bars, Chains, Toll Houses, and Buildings upon the said Roads shall render an exact Account in Writing to Mr. *Thomas Wilson*, or other the Clerk for the Time being to the Trustees of the said Roads, at his Dwelling House, or to such other Person as the Trustees of the said Roads 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, Bars, Chains, and Toll Houses, or otherwise, and of all Monies (if any) expended by them in keeping or repairing the said Roads, Toll Gates, Bars, Chains, and Toll Houses, and of the Manner in which they shall have disposed of the Residue of the Monies so received, and shall produce all the Vouchers and Receipts in their Possession or Power relating to such Accounts.

Appointment of Trustees.

IV. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Lancaster*, together with *John Armstrong*, *Richard Atkinson*, *Gilbert Ainslie*

Ainslie Doctor of Divinity, *Brian Waller Atkinson*, *John Bond*, *John Bond* the younger, *Robert Greene Bradley*, *John Bolden*, *Samuel Edward Bolden*, *Thomas Christopher Burrow*, *Bartholomew Bradshaw*, *John Brockbank*, *Charles Bower*, *John Boustead*, *John Birkett*, *Edmund Clowes*, *Thomas Butler Cole*, *John Coulston*, *John Collinson*, *William Dillworth Crewdson* the younger, *George Braithwaite Crewdson*, *George Crewdson*, *George Christopher Clark*, *Edward Clark*, *Richard Clark*, *Joseph Dockray*, *Edward Dawson*, *Edward Dawson* the younger, *Jonathan Dunn*, *Thomas Rowlandson Dunn*, *John Edmondson*, *William Ford*, *George Fishwick*, *Thomas Fawcett*, Sir *James Fitzgerald* Baronet, *John Gardner*, *Thomas Giles*, *Samuel Gregson*, *Henry Gregson*, *Thomas Greene*, *Dawson Cornelius Greene*, *Richard Thomas Gillow*, *Joseph Gillow*, the Reverend *Robert Gibson*, *Charles Gibson*, *William Gibson*, *John Gandy*, *Gerard Gandy*, *Edmund Hornby*, *Thomas Housman Higgin*, *Edmund George Hornby*, *Robert Fletcher Housman*, *Richard Hinde*, *Daniel Harrison*, *John Jenkinson*, *Richard Jenkinson*, *Thomas Inman*, *Robert Jackson*, *Edmund Jackson* (*Hest Bank*), *Frederick Walpole Keppel*, *William Lamb*, *Edmund Lawson*, the Reverend *James Pedder*, *Thomas Paget*, *Richard Atkinson Peacock*, *Robert Backhouse Peacock*, *Robert Parkinson*, *Leonard Redmayne* the younger, *William Talbot Rothwell*, *Thomas Reveley*, *Benjamin Satterthwaite*, *Thomas Walling Salisbury*, *William Sharp*, *William Sharp* the younger, *John Sharp*, *William Smith*, *John Herdman Sherson*, *Lazarus Threlfall*, *William Talbot*, *Anthony Battersby Tomlinson*, *Richard Willock*, *Thomas Wilson*, *Thomas Newby Wilson*, *Richard Willis*, *John Webster*, the Reverend *John Marsden Wright*, *Joseph Lawson Whalley*, *Charles Lawson Whalley*, *Leonard Willan*, *William Waithman*, *Robert William Waithman*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be the Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. And be it enacted, That it shall be lawful for the said Trustees, 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 Five 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.

Meetings of Trustees.

VI. And be it enacted, That the said Trustees shall hold their First Meeting on the Third *Thursday* next after the Commencement of this Act at the *King's Arms* Inn in *Lancaster*, or at some other convenient Place in the Neighbourhood of the said Roads, and shall then and from Time to Time thereafter adjourn to and meet at such Times

Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VII. And be it enacted, 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 Roads, or to execute any other 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 Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Road to which Act is applicable.

VIII. And be it enacted, That this Act shall be put into execution for the Purposes of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from the said Town of *Garstang* to the 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*.

Present Tolls continued for a Time.

IX. And be it enacted, 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 Roads, until the Expiration of Seven Days after the First Meeting of Trustees appointed by this Act.

Power to take Tolls.

X. And be it enacted, That on the Expiration of Seven Days after the First Meeting of the Trustees appointed by this Act, and at all Times thereafter, 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 or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Barouche, Curricle, Phaeton, Hearse, Break, Whiskey, Chair, Car, taxed Cart, Gig, or other such Carriage, the Sum of Sixpence:

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

For every Horse or other Beast drawing any Stage Coach or other Stage Carriage licensed to carry not more than Four Inside Passengers, when drawn by Two Horses or Beasts, the Sum of Nine-pence; and when drawn by Three Horses or Beasts, the Sum of Seven-pence:

For every Horse or other Beast drawing any Omnibus, Stage Coach, or other Stage Carriage drawn by Two Horses or Beasts, if such Omnibus, Coach, or Carriage is licensed to carry more than Four Inside Passengers, the Sum of Nine-pence:

For every Horse or other Beast drawing any Omnibus, Stage Coach, or other Stage Carriage drawn by Three Horses or Beasts, if such Omnibus, Coach, or Carriage is licensed to carry more than Four Inside Passengers, the Sum of Ten-pence:

For every Horse or other Beast drawing any Omnibus, Stage Coach, or other Stage Carriage drawn by Four Horses or Beasts, if such Omnibus, Coach, or Carriage is licensed to carry not more than Six Inside Passengers, the Sum of Sixpence; and if such Omnibus, Coach, or Carriage is licensed to carry more than Six Inside Passengers, the Sum of One Shilling:

For every additional Horse or other Beast above Four drawing any Stage Coach or other Stage Carriage, the Sum of Sixpence:

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

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

For every Horse or other Beast drawing any Van, Caravan, or other such like Carriage with Four or more Wheels, and when drawn by Two Horses or other Beasts, the Sum of Nine-pence:

For every additional Horse or other Beast above Two drawing any Van, Caravan, or other such like Carriage with Four or more Wheels, the Sum of Sixpence:

For every Horse, Mare, Gelding, or Mule, laden or unladen, and not drawing, the Sum of Two-pence:

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

For every Drove of Calves, Pigs, Sheep, or Lambs, the Sum of Nine-pence *per* Score, and so on in proportion for any greater or less Number:

Which said Tolls shall be taken before any Horse, Beast, Cattle, Animal, or Carriage whatsoever shall be permitted to pass through any Toll Gate or Bar which shall be by virtue of this Act upon or across the said Roads, or on the Sides thereof.

Lime exempted from Tolls.

XI. Provided always, and be it enacted, That no Toll shall be taken for any Horse or other Beast drawing any Carriage conveying Lime for the Improvement of Land.

As to Fraction of a Halfpenny in Tolls.

XII. And be it enacted, That in all Cases in which 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.

Limiting Number of Tolls to be taken.

XIII. And be it enacted, That no more than Two full Tolls shall be taken for passing or repassing once only in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night), with the same Horses, Beasts, Cattle, or other Animal or Things liable to Toll or Duty, through all the Toll Gates and Bars erected or to be erected or continued on that Portion of the said Road which lies between the Town of *Garstang* and the Town of *Lancaster*; and no more than One full Toll shall be taken for passing or repassing once only in the same Day (to be computed as aforesaid) with the same Horses, Beasts, Cattle, or other Animals or Things liable to Toll or Duty, through all the Toll Gates or Bars erected or to be erected on that Portion of the said Road which lies between the Town of *Lancaster* and *Heiring Syke* aforesaid.

Persons having paid Tolls to return free the same Day.

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

Post-chaises to pay every Time of passing with fresh Hiring.

XV. Provided always and be it enacted, That the Tolls hereby made payable shall be paid for all Horses, Beasts, or Cattle drawing any Post-chaise or other Carriage travelling for Hire, whether laden or unladen, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Cattle had been made on the same Day.

Regulations as to Stage Coaches.

XVI. And be it enacted, That all Horses, Beasts, and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the

the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar which such Ticket would free in the Case of Horses, Beasts, 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 or Bar, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses, Beasts, or Cattle drawing the same having been changed.

Respecting Toll Gates.

XVII. And be it enacted, That the several Toll Gates, Bars, Chains, and Toll Houses now standing or being on the said Roads 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 to order and cause to be set up in or across the said Roads, or on the Sides thereof, any Toll Gate, Toll House, Bar, or Chain, and to remove any present or future Toll Gates, Toll Houses, Bars, or Chains, as they shall think proper.

Mortgagees to deliver up Possession of Gates.

XVIII. And be it enacted, That within One Month after the Commencement of this Act the Mortgagee or Mortgagees in possession of any of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Roads, 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, Bars, Chains, 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, Bars, Chains, Toll Houses, or Buildings, then such Receiver, Collector, or other Person may be removed therefrom in manner provided by any Law or Statute then in force relating to Turnpike Roads in *England*.

As to Payment of Compensation for certain Lands.

XIX. And whereas there is now due from the Trustees of the said repealed Act the Sum of Seventy Pounds, and there is also due from the same Trustees the Sum of Fifty-five Pounds Thirteen Shillings and Nine-pence in respect of Lands, Portions of the respective Glebes of the Perpetual Curacies of *Poulton by the Sands* and *Shireshead*, both in the County of *Lancaster*, which were many Years since duly taken and appropriated by the Trustees acting under the said repealed Act for the Purposes of the said Roads: And whereas there is now in the Hands of the Treasurer of the said Trustees a Sum of Two hundred and sixty-eight Pounds Nineteen Shillings and Five-pence, being the Balance of the Sinking Fund required by the said repealed Act, together with the Interest due thereon: Be it enacted, That

That the Trustees acting in the Execution of this Act shall as soon as conveniently may be after the Commencement of this Act, with and out of the said Sum of Two hundred and sixty-eight Pounds Nineteen Shillings and Five-pence, pay the said Sum of Seventy Pounds to Two Trustees to be nominated by the Perpetual Curate of *Poulton by the Sands* for the Time being, and to be approved by the said Trustees, and also pay the said Sum of Fifty-five Pounds Thirteen Shillings and Nine-pence to Two Trustees to be nominated by the Perpetual Curate of *Shireshead* for the Time being, and to be approved by the said Trustees; and which said Two Sums shall be applied by such Trustees respectively in the Manner in which Monies paid to Two Trustees under the Powers of an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads in* England, are directed to be applied.

7 & 8 G. 4. c. 24.

Application of Monies.

XX. And be it enacted, That, subject to the Payment of the said Two Sums of Seventy Pounds and Fifty-five Pounds Thirteen Shillings and Nine-pence, 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,)

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

Secondly, in paying the necessary Expenses of erecting, providing, and repairing Toll Gates and Toll Houses, and the necessary Expenses of Management of the said Roads:

Thirdly, in paying Interest at the Rate of Two Pounds Fifteen Shillings *per Centum per Annum* upon the Principal Sums for the Time being due and owing on the Credit of the Tolls authorized to be taken on the said Roads:

Fourthly, in reducing, paying off, and discharging the several Principal Sums for the Time being due and owing on the Credit of the Tolls authorized to be taken on the said Roads:

Fifthly, in maintaining and keeping in repair the said Roads, and in putting this Act into execution with reference thereto.

As to Mode of discharging Debt.

XXI. And be it enacted, That when and as often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of Two 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 the Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, 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,

Sum, in some Newspaper published in the County Palatine of *Lancaster*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County; and at such Meeting the Trustees 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 Payment 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 such Proposals as aforesaid 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.

Mortgagees to take possession for Payment of Interest only.

XXII. And be it enacted, That whenever and so 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, Bars, Chains, 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, Bars, Chains, 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 Mort-

gages shall be payable, render to the Clerk to 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, Bars, Chains, 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.

No Tolls to be taken, or Money laid out in Towns.

XXIII. And be it enacted, That no Money shall be laid out on the said Roads within the Town of *Lancaster* or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected therein.

Trustees or Clerk not deemed incompetent Witnesses.

XXIV. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Roads not to be exempt from Provisions of future general Acts.

XXV. And be it enacted, That nothing herein contained shall be deemed to exempt the said Roads from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during this or any future Session of Parliament.

Term of Act.

XXVI. And be it enacted, That this Act shall commence on the Thirty-first 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.

Interpretation of Terms.

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

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The

The Word "Person" shall include Corporation:
Words importing the Masculine Gender shall include Females:
The Expression "the Roads" or "the said Roads" shall mean the Roads to which this Act applies:
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 "Toll Gate" or "Toll Gates" shall include Turnpikes, Bars, and Chains.

Short Title.

XXVIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Garstang and Heiring Syke* Turnpike Road Act, 1850."

Public Act.

XXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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