ANNO QUARTO

GEORGII IV. REGIS.

Cap. xlix.

An Act for more effectually repairing and improving the *Yorkshire* District of the Road from *Keighley* in the West Riding of the County of *York* to *Kirkby in Kendal* in the County of *Westmoreland*, and for making several Diversions therefrom, within the said West Riding of the County of *York*. [23d *May* 1823.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of King *George* the Second, intituled *An Act for repairing, amending, and widening the Road from* Keighley *in the West Riding of the County of* York *to* Kirkby in Kendal *in the County of* Westmoreland: And whereas another Act was passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of an Act made in the Twenty-sixth Year of the Reign of His late Majesty King* George *the Second, intituled* '*An Act for repairing, amending, and widening the Road from* Keighley *in the West Riding of the County of* York *to* Kirkby in Kendal *in the County of* Westmoreland:' And whereas another Act was passed in the Thirtieth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of certain Acts made for repairing the Road from* Keighley *in the West Riding of the County of* York *to* Kirkby in Kendal *in the County of* Westmoreland, *so far as relates to such Part of the said Road as lies within the County of* York: And whereas by the said recited Act of the Eighteenth Year of the Reign of His late Majesty King *George* the Third, the said Road from *Keighley* to *Kendal*

26 G. 2. c. 86.

18 G. 3. c. 113.

30 G. 3. c. 99.

was divided into Two Districts; and it was by such Act declared that that Part of the said Road which was situate within the County of *York* should constitute one of such Districts, and should be called 'The *Yorkshire* District:' And whereas a considerable Sum of Money, borrowed on the Credit of the said Acts relating to the said District of Road called the *Yorkshire* District, and charged on the Tolls arising upon the said District of Road, cannot be repaid, nor can the said District of Road be properly amended and kept in repair, unless the Term and Powers of the said Acts are enlarged with respect to the said District of Road, some additional Powers are granted, and the Tolls arising on the same District of Road are increased: And whereas it would tend to the Accommodation of the Public, and of the Persons residing in the Neighbourhood of the said Road, and the said District of Road might be materially improved and benefited, if Power were granted to make and maintain certain Diversions from the said District of Road in manner herein-after mentioned and described: And whereas it would facilitate the Execution of the Purposes aforesaid, if the said Acts relating to the said District of Road were repealed, so far as the same relate to the said District of Road; and further and additional Powers and Provisions were granted and made: And whereas an Act was passed in the Third Year of the Reign of His
3 G. 4. c. 126. present Majesty King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

Repeal of former Acts. the Authority of the same, That from and after the Second *Wednesday* next after the passing of this Act the said several recited Acts of the Twenty-sixth Year of the Reign of King *George* the Second, and of the Eighteenth and Thirtieth Years of the Reign of His late Majesty King *George* the Third, so far as the same relate to the said District of Road (and therein called the *Yorkshire* District), shall be and the same are hereby declared to be repealed; and this Act shall thereupon commence and take effect, and be put in Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, amending, widening, improving, and keeping in repair the said District of Road, and which said District of Road commences at the Town of *Keighley* in the West Riding of the County of *York*, and passes from thence to and through the several Towns or Places of *Skipton*, *Settle*, *Clapham*, *Ingleton*, and *Thornton*, to the Boundary of the said County of *York*, between the said Town of *Ingleton* and *Kirkby Lonsdale* in the County of *Westmoreland*, and of making and maintaining the several Diversions from the said District of Road herein-after mentioned and described; (that is to say), One Diversion or Branch, commencing at or near to the South Corner of a certain Field, called *Flosh*, in the Township of *Keighley*, (belonging to Lord *George Henry Cavendish*, and now in the Occupation of *Joshua Cawood* as Tenant), and passing from, through, or into the several Townships or Places of *Keighley*, *Utley*, and *Steeton*, in the Parish of *Keighley*, to or near to a certain Place called *Hawkcliffe Wood-end* in the said Township of *Steeton*; another commencing at or near to the East End of *Eastburn Bridge* in the Township of *Glusburn*, and passing from thence to *Kildwick Bridge* in the adjoining Township of *Kildwick*, both in the Parish of *Kildwick*; another commencing at or near the East End of *Coniston*

Moor in the Township of *Coniston* in the Parish of *Gargrave*, and passing from thence to the West End of the same Moor, near to a certain Place called *Switchers* in the adjoining Township of *Hellifield* in the Parish of *Longpreston*; and another commencing at or near to the Old Lower Turnpike House at the South-west End of the Town of *Clapham*, and passing from, through, or into the several Parishes, Townships, or Places of *Clapham*, *Newby*, *Ingleton*, and *Thornton*, to or near to a certain Place called *West Houses* in the Township of *Thornton*; all within the West Riding of the County of *York*.

General Turnpike Act extended to this Act.

II. And be it further enacted, That the said recited Act of the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters and Things therein contained shall (except where the same is or are hereby expressly varied, altered, or repealed) 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.

Act made liable to the Payment of all Monies due under former Acts.

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

Books relative to former Acts to be Evidence.

IV. And be it further enacted, That all and every the Books of Proceedings which may have been kept by the Trustees acting in the Execution of the former Acts hereby repealed, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Acts, and made Evidence thereby, and also the Book or Books to be kept for the Purposes of this Act, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Arrears and Property belonging to

V. And be it further enacted, That all Arrears of Tolls or Rents, or other Monies due to, and Property Real or Personal, and all Choses in

former Trustees vested in the Trustees named in this Act.

in and Rights of Action, either at Law or in Equity, vested in the Trustees under the said former Acts or any of them, shall immediately on the Commencement of this Act be vested in the Trustees named in or to be elected and appointed by virtue of this Act or of the said recited Act passed in the Third Year of the Reign of His present Majesty, who shall be and they are hereby enabled to receive and take Possession of the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act or of the said Act passed in the Third Year of the Reign of His present Majesty; or such Arrears of Tolls or other Monies so due to the Trustees under the said recited Acts hereby repealed as aforesaid, by virtue of any Deed or Specialty, shall and may be sued for and recovered in the Name of the Trustee or Trustees, to or with whom such Deed or Specialty shall have been so made or entered into, or the Survivors or Survivor of them, at the Option or Election of the Trustees named in or to be appointed by virtue of this Act, or of the said Act passed in the Third Year of the Reign of His present Majesty, and all the Costs to be incurred by the Trustees or Persons in whose Names such Proceedings shall be had, shall be paid and defrayed by and out of the Monies to be raised by virtue of this Act, and the Monies when recovered shall be paid over to the Treasurer of the said Trustees, to be applied for the Purposes of this Act.

Trustees.

VI. And be it further enacted, That *William Nicholson Alcock*, *Henry Alcock*, *Richard Alcock*, *William Atkinson*, *John Atkinson*, *John Bairstow*, *Richard Balderston*, *William Batty*, *Thomas Binns*, *William Birkbeck*, *John Birkbeck*, *Thomas Birkbeck*, *John Birtwhistle*, *John Blackburn*, *Robert Bleazard*, *William Bolland*, *John Briggs*, *William Brown*, *Henry Brown*, *Thomas Brown*, *John Brown*, *Ralph Horner Brown*, *William Buck*, *Robert Burrow*, *Edward Burrow*, *John Carr*, *Charles Carr*, *William Carr* Clerk, *Thomas Carr* Clerk, *Richard Carr*, *William Carr*, the Right Honourable *George Henry Cavendish* commonly called Lord *George Henry Cavendish*, *Thomas Chamberlain*, *Abraham Chamberlain*, *John Bedam Charlesworth*, *Robinson Chippindale*, *William Chippindale*, *John Clapham* Clerk, *Thomas Clapham*, *Holmes Clapham*, *John Clapham* (*Utley*), *Richard Clapham*, *George Clapham*, *John Clapham* (*Hornby*), *William Clayton*, *William Clayton* the younger, *John Cockshott*, *Thomas Cockshott*, *Matthew Coor*, *John Nicholas Coulthurst*, *Edward Coulthurst* Clerk, *William Coulthurst*, *John Craven*, *Danson Richardson Currer* Clerk, *William Dawson*, *Richard Dawson* Clerk, *Robert Dawson*, *Charles Knowlton Dawson*, *Theodore Dury* Clerk, *William Ellis*, *James William Farrer*, *Oliver Farrer*, *Thomas Farrer*, *William Loxam Farrer*, *James Farrer*, *Matthew Thomas Farrer*, *Thomas Foster*, *John William Foster*, *James Foster*, *James Braithwaite Garforth*, *John Baynes Garforth*, *Thomas Garforth*, *John Geldard*, *Robert Geldard*, *William Gomersal*, *John Greenwood*, *Frederick Greenwood*, *Edwin Greenwood*, *Richard Greenwood*, *John Halton* Clerk, *James Hamerton*, *Chisnel Hammerton*, *John Hammerton*, *Alexander Hardacre*, *Henry Hardacre*, *James Hargreaves* (*Kildwick*), *James Hargreaves* (*Farnhill*), *John Hartley*, *William Hartley*, *Richard Heber* (*Hodnet*), *Richard Heber* (*Otterburn*), *Nicholas Hitchin*, *Robert Holgate*, *William Holgate*, *John Abbotson Ingleby*, *Thomas Ingleby*, *Charles Ingleby*, *Rowland Ingram* Clerk, *Arthur Ingleby*,

Ingleby, *John Jaques*, *Thomas Johnson*, *Thomas Johnson* the younger, *Thomas Hodgson Johnson*, *Henry Kempson* Clerk, *John King*, *Peter Laycock*, *Walter Leveth* Clerk, the Honourable *Thomas Lister*, *Anthony Lister* Clerk, *Benjamin Marriner*, *Joseph Mason* the younger, *Thomas Mason*, *Thomas Maudsley*, *Henry Maudsley*, *John Moffat*, *Thomas Moor*, *James Moorhouse*, *Christopher Netherwood*, *John Netherwood*, *William Netherwood*, *Richard Toulmin North*, *Alexander Nowell*, *John Green Paley*, *Thomas Parker*, *Thomas Parkinson*, *Thomas Pearson*, *John Peart*, *John Perring* Clerk, *Thomas Pooley* Clerk, *Cooper Preston*, *John Preston*, *Thomas Preston*, *William Preston*, *William Proctor*, *John Proctor*, *Robert Proctor*, *Thomas Proctor*, *William Robinson*, *Josias Robinson* Clerk, *Hornby Roughsedge*, *Richard Henry Roundell*, *Henry Dawson Roundell*, *William Rookes Leeds Serjeantson*, *George John Serjeantson*, *Richard Skiers*, *William Sidgwick*, *John Sidgwick*, *Thomas Smith*, *Benjamin Smith*, *William Spencer*, *Anthony Stackhouse* (*Stainforth*), *Anthony Stackhouse* (*Settle*), *William Stackhouse*, *Edmund Starkie*, *William Sugden*, *William Sutcliff*, *Haggarth John Swaile*, *John Swire* Clerk, *Edmund Tatham*, *William Taylor*, *Stephen Tempest*, *Charles Tempest*, *Henry Tempest*, *John Tennant*, *Stansfield Tennant*, *John Tennant*, *Robert Tomlinson* Clerk, *Richard Waddilove*, *Richard Waddilove* the younger, *Richard Wainman*, *William Waller* Clerk, *William Wasney* Clerk, *John Watkinson*, *Robert Henry Welch*, *Henry Wiglesworth* Clerk, *Thomas Wiglesworth*, *William Wilkinson*, *Leonard Wilkinson* (*Blackburn*), *Leonard Wilkinson* (*Slaidburn*), *Henry Wilkinson*, *Stephen Wilkinson*, *Robert Willis*, *Matthew Wilson*, *Matthew Wilson* the younger, *Henry Wilson*, *William Wilson*, *Carus Wilson*, *Roger Wilson*, *John Yorke*, *Edmund Yorke*, being qualified in manner by the said recited Act of the Third Year of the Reign of His present Majesty directed, shall be and they are hereby appointed Trustees for carrying this Act and the said recited Act into Execution.

Power to appoint additional Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Meeting to be held for that Purpose (of which Meeting and of the Purpose thereof Ten Days Notice shall be given in manner by the said recited Act of the Third Year of the Reign of His present Majesty directed, with respect to Meetings for the Appointment of Trustees on Vacancies), to elect and appoint any Number of Persons not exceeding Five in the whole, to be Trustees for executing this Act and the said recited Act, in addition to the Trustees hereby appointed; and such Trustees so elected and appointed, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act and the said recited Act, as if they had been named in 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 in the Execution of this Act, unless he shall be qualified in such Manner as in and by the said recited Act is directed and prescribed; nor unless he also shall, before he shall act as a Trustee in the Execution of this Act (except in administering the Oath or Affirmation mentioned in the said recited Act, and the Oath or Affirmation herein-after mentioned), take and subscribe, or being of the People called *Quakers*, make and subscribe, before 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 of the People called *Quakers*, do solemnly 'affirm,] That I will faithfully 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 [*here set forth the Title of this Act,*] and of an Act passed in 'the Third Year of the Reign of His said Majesty, intituled *An Act to 'amend the general Laws now in being for regulating Turnpike Roads 'in that Part of* Great Britain *called* England.

'So help me GOD.'

[*Or, being a Quaker, omit the Words,* 'So help me God.']

And if any Person shall act as a Trustee in the Execution of this Act or the said recited Act, except as aforesaid, before he shall have taken or made and subscribed such Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same in any of His Majesty's Courts of Record in *Westminster*, by Action of Debt, or on the Case, or by 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 this Act or the said recited Act, which shall have been done or performed by any Person who shall have omitted or neglected to take or make and subscribe the Oath or Affirmation by this Act prescribed, shall be thereby impeached or nullified; but every such Proceeding shall be as valid and effectual as if such Person had taken such Oath or made such Affirmation previously to his having acted as such Trustee as aforesaid.

First Meetings of the Trustees.

IX. And be it further enacted, That the said Trustees shall meet at the *Boar's Head* in *Long Preston*, or at some other convenient Place upon or near to the said District of Road, on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, for the Purpose of proceeding in the Execution of this Act and the said recited Act, and shall then adjourn to and meet at the *Golden Lion* in *Settle*, or at some other convenient Place upon or near to the said District of Road; and the said Trustees shall and may then and from Time to Time adjourn to and meet at such Time and at such Place, upon or near to the said District of Road, as they shall think proper: Provided always, that no Adjournment of the said Trustees shall be for a longer Space of Time than Three Calendar Months, and that all Meetings of the said Trustees shall be held between the Hours of Eleven of the Clock in the Forenoon and Four of the Clock in the Afternoon.

Appointment of Officers.

X. And be it further enacted, That the said Trustees at any of their Meetings shall and may from Time to Time appoint a Clerk, Treasurer or Treasurers, Collector or Collectors of the Tolls, and a Surveyor or Surveyors of the said Road, and such other Officers as they the said Trustees shall think necessary, and from Time to Time remove any such Officer or Officers, and on the Death or Removal of any such Officer or Officers, may appoint another or others in his or their Stead; and Seven Days Notice shall be given by any Two or more of the said Trustees, and shall be inserted in some public Newspaper usually circulated in the Neighbourhood of the said Road, and affixed on all the Turnpike Gates standing or

being on or across the said Road, of every Meeting where any such Appointment or Removal shall be intended to be made after the First Meeting of the said Trustees, specifying the Intention of appointing or removing such Officer or Officers; and the said Trustees shall and may and are hereby authorized and empowered, by and out of the Monies arising by virtue of this Act, to pay such Salaries and make such Allowances to such Officers and other Persons employed, or who shall assist in the Execution of this Act or the said recited Act, for their Services in or about the carrying this Act and the said recited Act into Execution, as they the said Trustees shall think reasonable.

Trustees may appoint temporary Collectors.

XI. And be it further enacted, That when and as often as any Collector or Receiver of the Tolls hereby granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or shall otherwise misbehave or misconduct himself, it shall and may be lawful for any Two or more of the said Trustees, although not assembled at a Meeting of the Trustees appointed by virtue of this Act, to discharge such Collector or Receiver, and in such Case, and also in case any Collector or Receiver shall die, to nominate and appoint a proper Person to be Collector or Receiver of the Tolls, to continue until the next Meeting of the Trustees, or until removed by virtue of the Powers and Provisions of this Act, which Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects, as if he or they had been nominated and appointed at a Meeting called and held in pursuance of this Act.

Clerk and Treasurer not to be the same Person.

XII. Provided always, and be it enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk for the Purposes of this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act other than that of Treasurer, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Power to erect Toll Gates, &c.

XIII. And be it further enacted, That it shall be lawful for the said Trustees to continue all and every or any of the Turnpikes or Toll Gates and Toll Houses now standing and being in, upon, or across the said District of Road, or on the Sides thereof; and to erect, set up, and build in, upon, or across the Road hereby intended to be maintained, repaired, amended, or made, or any Part of the same, or upon or across the Entrance to any Road, Lane, or Way, leading into the same or any Part thereof,

thereof, as when and where they shall judge necessary, any Gate, Turnpike, Side Bar, or Chain, and also one or more Toll House or Toll Houses, with suitable Outbuildings and Conveniencies thereto, at or near any Toll Gate or Weighing Machine upon the said Road, and to take in and inclose on the Sides of the said Road suitable Garden Spots for such Toll House or Toll Houses (not exceeding One-eighth Part of a Statute Acre each), with such Number of Lamps at such Toll House or Toll Houses as they shall think necessary; and from Time to Time to take down and remove, or to alter and discontinue the same or any of them, as they the said Trustees shall think proper and direct or appoint.

Tolls.

XIV. And be it further enacted, That from and after the Second *Wednesday* next after the passing of this Act, it shall be lawful for the said Trustees, or for any Person under their Authority, to demand and take the following Tolls at every Turnpike, Toll Gate, Side Bar, or Chain to be continued, erected, or placed by virtue of this Act, in, upon, across, or on the Sides of the said District of Road, and in, upon, across, or on the Sides of the Diversions or Branches herein-before directed to be made from and out of such District of Road, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same respectively; (that is to say),

For every Horse or other Beast drawing any Coach, Barouche, Landau, Chariot, Chaise, Curricle, Caravan, Chair, or other wheeled Carriage, not being a Waggon or Cart, the Sum of Nine-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, the Sum of Sixpence:

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

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

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Sixpence *per* Score, and so in proportion for any greater or less Number.

Which said respective Sums of Money hereby authorized to be demanded and taken as aforesaid, shall be demanded and taken in the Name of or as Toll, and the same shall be and are hereby vested in the said Trustees, and shall be applied and disposed of in manner herein-after directed.

Tolls for passing and repassing once through the same Toll Gate in One Day.

XV. And be it further enacted, That all and every Persons and Person, having paid the said Tolls and producing a Ticket from the Collector denoting such Payment, shall be permitted to pass and repass once in the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, through the Toll Gates or Toll Bars mentioned in such Ticket, with the same Horses or other Beasts, Coach, Waggon, Cart, or other Carriage, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, without being subject or liable to any additional Toll for so doing; and no Person shall be permitted to pass a subsequent Time in any one Day (to be computed as aforesaid) with the same Cattle through any of the Toll Gates or Toll Bars aforesaid, until he shall have paid for every such subsequent Time of passing through

through any of the Toll Gates or Toll Bars on the same Day, to be computed as aforesaid, with the same Horses, Beasts, or Cattle, such Tolls not exceeding the Tolls herein-before mentioned, as the said Trustees shall direct or appoint; and such Person for any such Payment for such subsequent passing shall be permitted to repass through such Toll Gates or Toll Bars, with the same Horses, Beasts, or Cattle the same Day, to be computed as aforesaid, without Payment of any other Toll.

Tolls for passing through all the Toll Gates.

XVI. Provided also, and be it further enacted, That no more than Five full Tolls shall be demanded or taken of or from any Person or Persons, for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any one Day, to be computed as aforesaid, for passing and repassing once through all or any of the said Toll Gates or Toll Bars to be erected under the Powers of this Act.

Restraining Trustees from erecting Gates on certain Parts of the Road. 57 G. 3. c. xxvii. 59 G. 3 c. xviii.

XVII. And whereas by virtue of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually improving the Road from* Richmond *in the County of* York *to* Lancaster *in the County of* Lancaster, *and the Road from* Richmond *to* Lucy Cross, *and from* Gilling *to the Turnpike Road on* Gatherley Moor, *in the County of* York, the Trustees acting in Execution of such Act have erected a Toll Gate upon the said Road at a certain Place called *Wall Head* in the Township of *Ireby* in the said County of *Lancaster:* And whereas by virtue of an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act for more effectually repairing the Road from the* Toll House Beck, *in the Township of* Ireby *in the County of* Lancaster, *to* Kirkby Lonsdale *and* Kirkby Kendal, *in the County of* Westmorland, *and through* Kirkby Lonsdale *to* Milnthorpe *in the said County*, the Trustees acting in Execution of such Act have erected a Toll Gate near *Thornton Bridge*, in the Parish of *Thornton*, in the West Riding of the County of *York*, and which said Toll Gate is called the *Thornton Gate:* And whereas the said Two last-mentioned Toll Gates are placed within Three Miles Distance of each other, and it would be a heavy Burthen upon the several Persons travelling upon the Roads hereby directed to be made and repaired, from the Village of *Ingleton*, in the said West Riding of the County of *York*, towards the Town of *Kirkby Lonsdale*, in the said County of *Westmorland*, that they should be subject to the Payment of Toll at Three different Toll Gates within the short Distance of Three Miles, and to which such Persons would be subject in the Event of a Toll Gate being erected between such Two last-mentioned Toll Gates; be it therefore further enacted, That it shall not be lawful for the Trustees acting in the Execution of this Act, or of the said recited Act of the Fourth Year of the Reign of His present Majesty King *George* the Fourth, to erect or place, or cause to be erected or placed, any Turnpike or Toll Gate upon or across any Part of the Roads hereby directed to be made and repaired, which lies between the said Gate at *Wall Head* and the said Gate at *Thornton Bridge*, as herein-before mentioned; any thing in this Act, or in the said recited Act of the Fourth Year of the Reign of His said present Majesty, to the contrary notwithstanding.

Stage Coaches to pay every Time of passing.

XVIII. Provided always, and be it further enacted, That the said Tolls hereby granted shall be paid for and in respect of all Horses or Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon,

Waggon, or other Stage Carriage conveying Passengers or Goods for Pay or Reward, every Time of passing or repassing along the said Road.

Enabling Trustees to take Possession of Toll Houses when let to farm.

XIX. And be it further enacted, That in case all or any of the Tolls arising on the said Road shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting thereof; or in case such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Justice of the Peace for the said West Riding, upon Application made by the said Trustees, or by any Person by them appointed on their behalf, by Warrant under his Hand and Seal, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any Toll House, Toll Gate, Bar or Chain, or Weighing Machine, and the Buildings and Appurtenances thereunto belonging, in the Daytime, and to remove and put such Lessee or Lessees, Farmer or Farmers of the Tolls arising thereout respectively, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, out of the same, and from the Possession thereof, and from the Collection of such Tolls, and to give to the said Trustees, or other Persons acting by or under their Authority, Possession thereof; and thereupon it shall be lawful for the said Trustees, if they shall think fit, to vacate and determine the Lease, Agreement, or Contract for demising or letting the said Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants or Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part) as if such Lease, Agreement, or Contract had never been made; and it shall and may be lawful for the said Trustees in every such case to demise or let to farm the said Tolls again to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Lease, Agreement, or Contract had been made relative thereto.

Application of the Tolls and Money borrowed.

XX. And be it further enacted, That out of the Tolls or other Monies already received by virtue of the said former Acts, and of each of them, on account of the said District of Road, or out of the Tolls and any other Monies which shall be raised by virtue of this Act, the said Trustees shall, in the first Place, and in Preference to all other Disbursements whatever, pay and discharge all Costs and Expences relative or incident to the procuring and passing of this Act, and the Remainder of all such Monies shall from Time to Time be applied in repaying the Money borrowed or now owing by virtue of the said former Acts or any of them on account of the said District of Road, or which may hereafter be borrowed on the Credit of this Act, and the Interest due and to grow due thereon respectively, and in repairing, widening, improving, and rendering commodious the said District of Road, and in making and maintaining

the Diversions from such District of Road herein-before mentioned and described, and in otherwise carrying this Act into Execution.

Monies due under former Acts to be repaid before Monieswhich shall be hereafter borrowed.

XXI. Provided always, and be it further enacted, That all and every the Sums and Sum of Money now due and owing by virtue of the said recited Acts or any of them, on account of the said District of Road, and secured by a Mortgage or Mortgages of the Tolls on such Road, and the Turnpikes and Toll Houses for collecting the same, and the Interest of the same Sums and Sum of Money, shall, as Mortgages of or Incumbrances on the Tolls to be levied by virtue of this Act, and the Turnpikes and Toll Houses for collecting the same, have Priority over and be paid before any Monies to be hereafter borrowed.

Plan deposited with Clerk of the Peace may be inspected.

XXII. And whereas a Map or Plan describing the Lines of the Diversions from the said District of Road, and the Lands through which the same are intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the West Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may, at all seasonable Times, have liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Seventy-two Words of such Copies or Extracts from the said Map or Plan and Book of Reference; and that the said Trustees in making the said Diversions shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent in Writing of the Person or Persons through whose Land such Deviation shall be made.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Diversions of Road into, through, across, and over the several Lands or Grounds of any Person or Persons who is or are or may be the Owner or Owners of any Lands or Grounds set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or misstated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding of the County of *York*, and be certified accordingly by Writing under their Hands, that such Omission or Misstatement proceeded from Mistake.

Dwelling Houses, &c. not to be injured.

XXIV. Provided also, and be it further enacted, That the Powers and Authorities hereby given to the said Trustees to make such Diversions of Road shall not extend to the pulling down or making use of any Dwelling House or other Building, or to the taking in or making use of any Orchard, Garden, Yard, Paddock, Park, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or of any Part of the same respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

XXV. And

Trustees not incompetent Evidence.

XXV. And be it further enacted, That in case of any Dispute, Suit, or Litigation, touching or in anywise relating to the Execution of this Act, or of the said recited Act of the Third Year of the Reign of His present Majesty, no Person acting as a Trustee in the Execution of this Act, or of the said recited Act, shall be incompetent to give Testimony or Evidence therein, by reason of his being such Trustee as aforesaid.

Directing how Costs and Damages are to be recovered.

XXVI. Provided always, and be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of the said recited Act or of 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 Five Days after Demand in Writing shall have been made, stating the Order of such Justices, from any Clerk to the said Trustees or their Treasurer, in pursuance of the Directions 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 the said recited Act or of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Trustees or to their Treasurer for the Time being, as the Case may be, and such Treasurer shall and he is hereby authorized to retain, out of the first Monies which shall come to his Hands by virtue of this Act, the Amount of such Costs and Expences so paid by him as aforesaid.

Justices to determine Differences touching Statute Work.

XXVII. And be it further enacted, That all Persons who by Law are subject or liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Roads or any Part thereof, shall still remain liable thereto as heretofore; and it shall and may be lawful for any Two or more Justices of the Peace for the County or Place in which the said Road or any Part thereof lies, and they are hereby empowered and required, upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Surveyor 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, Hamlets, Divisions, or Places liable thereto, or in which the said Road lies, and also what Proportion of the Money received

received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, Division, or Place, in lieu of or as a Composition for such Statute Work, shall be by him or them paid to the said Trustees, or to their Treasurer; and in order thereunto it shall be lawful for such Justices from Time to Time to summon the Surveyor or Surveyors of the Highways for every such Parish, Township, Hamlet, Division, 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, Hamlet, Division, 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, are, or may be directed by any Law or Statute in Force and Effect for the Repair of the public Highways; and out of such Lists such Justices shall and may allot, appoint, and order such and so many of the Persons who shall appear to be subject or 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 by their Order shall from Time to Time order, direct, and appoint; and the said Justices shall and may also order and direct the Surveyor or Surveyors of every such Parish, Township, Hamlet, Division, or Place, to pay over to the said Trustees, or their Treasurer, 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, at his, her, or their last or usual Place or Places of Abode 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 any 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 or discharge the Person who shall be found idle or negligent as aforesaid; and in that Case every such Person shall be subject and liable to the respective Forfeitures and Payments aforesaid, as if he had neglected or refused 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 to the said Trustees, and applied towards

towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes, Townships, Hamlets, Divisions, or Places, shall refuse or wilfully neglect to give in such Lists as aforesaid, or shall knowingly or wilfully give in false or imperfect Lists, or shall refuse or neglect to collect or pay over such Composition Money, or any Part thereof, in Manner aforesaid, every such Surveyor so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; and such Composition Money shall and may be recovered from such Surveyor or Surveyors of the Highways by Distress and Sale of his and their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County or Place wherein such Surveyor or Surveyors of the Highways shall live or reside, on Complaint made to such Justices by the Surveyor or Surveyors to the said Trustees.

Public Act.

XXVIII. 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.

Commencement and Term of Act.

XXIX. And be it further enacted, That this Act shall commence upon the Second *Wednesday* next after the passing hereof, and shall continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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