ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xc.

An Act for maintaining in repair the Road leading from the *Lord Nelson* Public House upon the Road between *Burnley* and *Colne* in the Township of *Marsden* in the Parish of *Whalley* in the County Palatine of *Lancaster* to *Gisburne* in the West Riding of the County of *York*, and from thence to the Road leading from *Skipton* to *Settle* at or near *Long Preston* in the said West Riding of the County of *York*.

[17th *June* 1852.]

WHEREAS an Act was passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing the Road leading from the* Lord Nelson *Public House, upon the Road between* Burnley *and* Colne *in the Township of* Marsden *in the Parish of* Whalley *in the County Palatine of* Lancaster *to* Gisburne *in the West Riding of the County of* York, *and from thence to the Road leading from* Skipton *to* Settle *at or near* Long Preston *in the said West Riding of the County of* York: And whereas the Term granted by the said Act has been continued from Year to Year by divers Acts of Parliament passed for continuing certain Turnpike Acts for limited Periods, and the Powers and Term so con- 5 G. 4. c. 3.

tinued will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless the same be further continued: And whereas under the Provisions of an Act of the Forty-third Year of the Reign of King *George* the Third, Chapter 69, relating to the said Roads, and by the said recited Act repealed, the Trustees for executing such Act borrowed for the Purposes thereof certain Sums of Money amounting in the whole to the Sum of Nineteen thousand six hundred and thirty Pounds, and certain Persons, at the Request of the said Trustees, became at various Times subsequent to the passing of such Act Surety for the Repayment of such Sums, and for the Payment of Interest after the Rate of Five Pounds *per Centum per Annum* thereon, and in consideration of their so becoming Security the said Trustees in or about the Year One thousand eight hundred and twenty-four prepared and executed Mortgages, purporting to bear Interest at the Rate of Five Pounds *per Centum per Annum*, of the Tolls, to such Persons, for the Amount for which they had respectively so become Surety, but no Interest has ever been paid thereon to such Persons, and the Trustees for executing that Act, and subsequently the Trustees for executing the said recited Act, have paid Interest up to the Twenty-third Day of *October* One thousand eight hundred and fifty-one at the Rate of Five Pounds *per Centum per Annum* to the several Persons who advanced such Sums, or their Representatives: And whereas the said Debt of Nineteen thousand six hundred and thirty Pounds has been from Time to Time reduced from the Monies arising from Tolls on the said Roads, and the Sum of Eight thousand six hundred Pounds only now remains due upon the Security of the said first-mentioned Persons or their Representatives: And whereas previous to the passing of the said Act of the Forty-third Year of the Reign of King *George* the Third several further considerable Sums of Money, amounting in the whole to the Sum of Five thousand seven hundred and ninety-four Pounds Five Shillings, were subscribed for the Purpose of making the said Roads, but no Provision was made by such Act for the Repayment of such Sums, nor has Interest been paid thereon, nor any Security given in respect of such Sums: And whereas a further Sum of Four hundred and nine Pounds Twelve Shillings and Sixpence is now owing for Lands and Hereditaments taken and used by the Trustees for executing such Act for the Formation of the said Road, but no Security has been given for the Repayment thereof, nor has any Interest been paid thereon, save on a Sum of Twenty-eight Pounds Fifteen Shillings (Part of the said last-mentioned Sum of Four hundred and nine Pounds Twelve Shillings and Sixpence), on which Interest at the Rate of Five Pounds *per Centum per Annum* has been paid to the Incumbent for the Time being of the Parochial Chapelry of *Gisburne*: And whereas the before-mentioned Debts of Eight thousand six hundred Pounds and Twenty-eight Pounds Fifteen Shillings cannot

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be discharged, nor can the said Roads be maintained in sufficient Repair by the said Trustees, unless the Term granted by the said Act be further continued, and the Powers and Provisions of the said Act be enlarged or amended: And whereas it is expedient that the said first-mentioned Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof, but such Purposes 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,

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

I. That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Marsden, Gisburne, and Long Preston* Turnpike Road Act, 1852."

Monies and Property to vest in the new Trustees.

III. That all 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 the Trustees for executing this Act shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof, except such as are by this Act extinguished.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster* and for the West Riding of the County of *York* respectively, together with *Le Gendre Nicholas Starkie* the younger, Esquire, *Chamberlaine Starkie* Esquire, *William Jones* (Clerk), *Septimus Harrison*, *James Dugdale* the younger, *John Knowles*, *Lord Massey*, *William Roberts*, *John Dugdale* the younger, *John Hardey Thursby*, *James Legh Thursby*, *William Ford Thursby* *John M'Veagh*, *James Barrowclough*, *George Holgate*, *John Spencer*, *John Moore*, *James Folds*, *Obadiah Folds*, *Holden Hammerton*, *Robert Midgley*, *John Sutcliffe Witham*, *Richard Sagar*, *Robert Artindale*, *Laurence Hitchon*, *John Hoyle*, *Joseph Holgate*, *William Margerison*, *John Margerison*, *Henry Moore*, *Thomas Moore*, *George Slater*, *William Hopwood*, *John*

Marsden, Gisburne, and Long Preston Turnpike Road Act, 1852.

John Barnes, *George Barnes*, *John Halstead*, *James Marsland*, *Thomas Brooks*, *William Miller Coultate*, *Thomas Sutcliffe* the elder, *Robert Mosley Master* (Clerk), *William Ecroyd*, *Henry Tunstill*, *Miles Veevers*, *Christopher Grimshaw* of *Barrowford*, *William Tickle*, *John Hargreaves* (Brewer), *Holden Veevers*, *Thomas Chaffer*, *Benjamin Chaffer*, *John Massey*, *Robert Sutcliffe* of *Worsthorne*, *Elijah Helm*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. That it shall be lawful for the 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 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.

First Meeting of Trustees.

VI. That the Trustees shall hold their First Meeting at the *Bull* Inn in *Burnley*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Third Day of *November* One thousand eight hundred and fifty-two, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

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

Road to which this Act is applicable.

VIII. That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road, (that is to say,) the Road leading from the *Lord Nelson* Public House upon the Turnpike Road between *Burnley* and *Colne* in the Township of *Marsden* in the Parish of *Whalley* in the County Palatine of *Lancaster* to the Town of *Gisburne* in the West Riding of the County of *York*, and from thence to the Turnpike Road leading from *Skipton* to *Settle* at or near the Town or Village of *Long Preston* in the said West Riding of the County of *York*.

Present Tolls continued for a Term.

IX. 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

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on the Sides of the said Roads until the Twenty-eighth Day of *November* One thousand eight hundred and fifty-two.

Power to take Tolls.

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

Tolls.

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

For every Score of Oxen or Neat Cattle, and so in proportion for any greater or less Number, the Sum of One Shilling and Threepence:

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

For every Horse, Mule, or other Beast drawing any Coach, Chariot, Landau, Chaise, Curricle, Calash, Chair, Caravan, Hearse, Litter, or other such Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, or other such Four-wheeled Carriage having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Soles thereof, the Sum of One Shilling:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, or other such Four-wheeled Carriage having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches at the Bottom or Soles thereof, the Sum of Ninepence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, or other such Four-wheeled Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or more at the Bottom or Soles thereof, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Cart or other such Two-wheeled Carriage having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of One Shilling:

For every Horse, Mule, or other Beast drawing any Cart or other such Two-wheeled Carriage having the Fellies of the Wheels thereof of a less Breadth than Six Inches and above the Breadth of Four Inches and a Half, the Sum of Ninepence:

For every Horse, Mule, or other Beast drawing any Cart or other such Two-wheeled Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or more, the Sum of Sixpence;

For every Dog drawing any Carriage or other Vehicle, 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 Two Shillings and Sixpence:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle 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.

As to the Fraction of a Halfpenny in Tolls.

XI. 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.

Only Seven Tolls to be payable on the Roads.

XII. That no more than Seven Tolls shall be taken for passing or repassing 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 Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Roads.

Persons having paid Tolls to pass Four Times Toll-free on the same Day.

XIII. That all Horses and Cattle (except Horses 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 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 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 Four Times Toll-free the same Day; and upon the Fifth Time of passing through any such Toll Gate such Horses and Cattle shall be again liable to Toll, in the same Manner as if no previous Payment of Toll had been made on the same Day in respect of such Horses or Cattle, and so *toties quoties* for every Fifth Time of passing through any such Toll Gate.

Stage Coaches to pay every Time of Passing.

XIV. That the Tolls hereby made payable for or in respect of all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward shall be payable and paid for every Time of passing or repassing through any of the Toll Gates continued or erected by virtue of this Act upon or across the said Roads.

Postchaises on every fresh Hiring.

XV. That the Tolls hereby made payable shall be paid for all Horses or Cattle travelling for Hire as often as new Hiring shall take place,

place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Postchaises, having paid Toll, may repass Toll-free at any subsequent Time of the Day.

XVI. That all Horses travelling for Hire, and drawing or returning from drawing any Chaise or other Carriage in respect whereof Toll shall have been paid at any Toll Gate on the said Roads, shall be permitted to repass through the same Toll Gate Toll-free, although such Horses shall not have passed through such Toll Gate on the same Day.

Respecting Toll Gates.

XVII. That the several Toll Gates and Toll Houses now standing or being upon the said Roads or on the Sides thereof shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees, in the Manner prescribed by 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 Roads or on the Sides thereof any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House, as they shall think proper.

9 G. 4 c. 77.

As to Amount of Principal Debt.

XVIII. That from and after the passing of this Act the beforementioned Principal Sums of Eight thousand six hundred Pounds and Twenty-eight Pounds Fifteen Shillings only shall be deemed and taken to be the total Sum due and owing on the Credit of the Tolls authorized to be taken on the said Roads.

Application of Monies.

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

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, Toll Bars, and Toll Houses, and the necessary Expenses of Management of the said Roads, not exceeding in the whole the Sum of Seventy Pounds *per Annum* (excepting the necessary Expenses of commencing, prosecuting, or defending any Proceedings at Law or in Equity or in Conveyancing):

Thirdly, in paying Interest at the Rate of Three Pounds for the One hundred Pounds by the Year, and at no higher Rate, upon the Sum of Eight thousand six hundred Pounds, being the Principal Sum now owing on the Credit of the Tolls authorized to be taken on the said Roads, or upon such Part thereof as shall for the Time being remain unsatisfied, and in paying Interest at the same Rate on the said Sum of Twenty-eight Pounds Fifteen Shillings

Shillings due to the Incumbent for the Time being of the Parochial Chapelry of *Gisburne*:

Fourthly, in reducing, paying off, and discharging, in the Manner herein-after directed, the said last-mentioned Principal Sums of Eight thousand six hundred Pounds and Twenty-eight Pounds Fifteen Shillings:

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

As to mode of discharging Debt.

XX. 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 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, by Letter sent by Post addressed to the usual Place of Abode of each Creditor, or in some Newspaper or Newspapers published in the Counties of *Lancaster* and *York*, 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 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 the Trustees think fit.

XXI. That

Mortgagees not to take possession of Toll Houses, &c. but for Payment of Interest.

XXI. That whenever and so long as Interest at the Rate lastly herein-before mentioned upon all existing Mortgages made and Principal Monies borrowed 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 Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the 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 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 Hand, 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.

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

XXII. That no Money shall be laid out on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

No more Money to be borrowed.

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

Roads not exempted from Provisions of any future General Act.

XXIV. That nothing herein contained shall be deemed to exempt the Roads comprised in this Act 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.

Interpretation of Terms.

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

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

The Word "Toll Gate" shall mean any Toll Gate, Turnpike, Bar, or Chain set up and erected or to be set up and erected upon or across or by the Side of the said Roads by virtue of this Act.

Term of Act.

XXVI. 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 follow.

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