ANNO QUARTO

GEORGII IV. REGIS.

Cap. xxii.

An Act for more effectually repairing the Road leading from the *Bolton* and *Blackburn* Road in *Sharples*, to the *Blackburn* and *Preston* Road in *Hoghton*, in the County of *Lancaster*, called the *Sharples* and *Hoghton* Turnpike Road.

[12th *May* 1823.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from the Turnpike Road leading from* Bolton *to* Blackburn, *at or near to the* Lamb Inn, *otherwise* Fletcher's Public House, *in the Township of* Sharples *in the Parish of* Bolton-in-the-Moors, *to the Turnpike Road leading from* Preston *to* Blackburn *aforesaid, at or near to* Brindle Lane End, *otherwise* Foole Lane End, *in the Township of* Hoghton *in the Parish of* Leyland, *all in the County Palatine of* Lancaster: And whereas the Trustees appointed in or by virtue of the said Act have proceeded to put the same in Execution, and a considerable Sum of Money hath been borrowed on the Credit of the Tolls by the said Act granted, which still remains due and owing, and cannot be paid off, nor can the said Road be effectually amended, improved, and kept in Repair, unless the Term granted by the said recited Act be further continued; and it would be more convenient if the said Act were repealed, and other Powers and Provisions granted instead thereof: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the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

41 G. 3. c. 123.

3 G. 4. c. 126.

41 G. 3. repealed.

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, passed in the Forty-first Year of the Reign of His said late Majesty King *George* the Third, shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, and that this Act shall commence and take Effect in lieu and instead thereof, and shall be put in Execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, turning, altering, improving, and keeping in Repair the Road from the Turnpike Road leading from *Bolton* to *Blackburn* aforesaid, at or near the *Lamb Inn*, otherwise *Fletcher's Public House* aforesaid, to the Turnpike Road leading from *Preston* to *Blackburn* aforesaid, at or near to *Brindle Lane End*, otherwise *Foole Lane End*, in the Township of *Hoghton* in the Parish of *Leyland*, all in the County Palatine of *Lancaster*.

This Act to be liable to Payment of Money due on account of the said first recited Act.

II. And be it further enacted, That this Act and the Term and Tolls hereby granted shall be and are hereby declared to be subject and liable to the Payment of all Sums of Money now due and owing on the Credit or on account of the said first recited Act, and also of such other Sum or Sums of Money as may be borrowed by virtue of or become due on the Credit of the said first recited Act and of this Act, or either of them, and of all Interest due and to grow due for the same respectively.

Extending the Powers of 3 G. 4. to this Act.

III. And be it further enacted, That all the Powers, Provisions, Remedies, Penalties, Exemptions, Matters, and Things contained in the said recited Act, passed in the Third Year of the Reign of His said present Majesty, shall extend and be deemed, construed, and taken to extend to this Act, in as full, large, and ample a Manner, to all Intents, Constructions, and Purposes whatsoever, as if the same respectively were repeated and re-enacted in the Body of this Act, save and except where the same are or any Part thereof is expressly varied, altered, or repealed by this Act.

Bonds and Securities entered into under former Act to remain in force until satisfied and paid.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said first recited Act, according to the Provisions and Directions thereof respectively, 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; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Act hereby repealed, to or with any Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act and the said last recited Act, and be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Trustees.

V. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *Richard Ainsworth*, *Peter Ainsworth*, *John Ainsworth*, *Thomas Ainsworth*, *John Ashworth*, *Edmund Ashworth*, *Henry Ashworth*, *John Ashworth* the younger, *Thomas Ashworth*, *Ralph Anderton*, *Mathew Ainsworth*, *Charles Ainsworth*, *Robert Andrews*, *Joseph Birley*, *Ralph Boardman*, *George Blair*, *William Balshaw*, *Joseph Best*, *Thomas Brocklebank*

bank Clerk, *John Booth*, *Thomas Bolling*, *Edward Bolling*, *William Bolling*, *John Bolling*, *John Baron*, *Richard Cardwell*, *James Carlile*, *William Crompton*, *James Cross*, *James Cocker*, *John Cocker*, *Henry Casson*, *William Clayton*, *John Crook*, *Jonathan Cooper*, *James Crompton*, *James Chadwick*, *Robert Darbishire*, *Richard Dewhurst*, *Mathew Corr Dawes*, *Richard Denham*, *Isaac Dobson*, *Benjamin Dobson*, *William Feilden*, *Joseph Feilden*, *Mathew Fletcher*, *James Fletcher*, *Richard Fell*, *John Gardner*, Sir *Henry Philip Hoghton* Baronet, *Henry Hoghton*, *Pitt Hewitt*, *Lawrence Brock Hollinshead*, *Henry Brock Hollinshead*, *Thomas Howell*, *Thomas Hardcastle*, *James Hardcastle*, *Robert Heywood*, *Roger Holland* the younger, *William Harper*, *John Heywood* of *Little Lever*, *James Heywood*, *John Horrocks*, *Lawrence Horrocks*, *William Hampson*, *Abram Haigh*, *Joseph Haydock*, *Samuel Hoghton*, *Thomas Heelis*, *Edmund Haworth*, *John Jones*, *John Johnson*, *Robert Johnson*, *Andrew Knowles*, *John Knowles* of *Turton*, *Richard Kay*, *James Kay*, *Andrew Kellie*, *Thomas Livesey*, *Richard Leonard*, *Robert Lomax*, *Roger Langshaw*, *William Longworth*, *John Lum*, *Robert Lord*, *John Mawdsley*, *William Makant*, *Robert Makant*, *John Moore*, *John Mason*, *James Orrell*, *John Pilkington*, *William Pickering*, *Samuel Pennington*, *Benjamin Rawson*, *Thomas Rawson*, *Benjamin Rawson* the younger, *William Rawson*, *John Ravald*, *Peter Rothwell*, *Peter Rothwell* the younger; *Zacharias Rushforth*, *John Ashton Ratcliffe*, *Thomas Rushton*, *John Rostron*, *Henry Sudell*, *Thomas Slater*, *George Slater*, *James Slater*, *Igdeliah Seddon*, *John Stanton*, *James Scowcroft*, *John Taylor*, *William Garnett Taylor*, *Thomas Thwaites*, *Lawrence Wright*, *Henry Wright* Clerk, *Thomas Wright*, *William Wright*, *John Whittle* of *Brindle*, *William Woods*, *John Woods*, and *Richard Woodward*, shall be and they are hereby appointed the Trustees for putting the said last recited Act and this Act in Execution.

Power to appoint additional Trustees.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, at their first Meeting to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act and the said last recited Act, in addition to the Trustees hereby and by the said last recited Act appointed; and such Trustees so elected, and being qualified according to the Directions of the said last recited Act and this Act, shall be and are hereby invested with the same Powers and Authorities for executing this and the said last recited Act, as if they had been hereby nominated and appointed.

Trustees to take an Oath truly to execute the Acts.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee for putting this Act and the said last recited Act into Execution, unless he shall be qualified in such Manner as in and by the said last recited Act is directed and prescribed, and unless (being so qualified) he shall, before he shall act as a Trustee, (except in administering the Oath mentioned in the said last recited Act, and the Oath herein-after mentioned) take and subscribe before any one or more of the said Trustees an Oath, or being a Quaker an Affirmation, in the Words or to the Effect following; (that is to say),

Oath.

'I *A. B.* do swear, [*or*, *being a Quaker*, do affirm], That I will truly, honestly, 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

'Year of the Reign of His Majesty King *George* the Fourth, intituled 'An Act, &c. [*here insert the Title of this Act*], and also 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.'

Which Oath or Affirmation any one or more of the said Trustees is and are hereby authorized and empowered to administer; and if any Person shall presume to act (except as aforesaid) before he shall have taken and subscribed the said Oath or Affirmation, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed: Provided nevertheless, that no Act or Proceeding touching the Execution of the said last recited Act or this Act, which shall be done or performed by any such Person who shall have omitted or neglected to take and subscribe the said Oath by this Act prescribed, shall be thereby impeached or rendered nugatory, but all such Acts and Proceedings shall be as valid and effectual as if such Person had taken such Oath previously to his having acted as such Trustee as aforesaid.

Meetings of the Trustees.

VIII. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet at the *Bank Inn* in *Great Bolton* in the said County, or at some other convenient House or Place on or near the said Road, on the Fifth *Thursday* next after the passing of this Act, or as soon after as may be convenient, for the Purpose of carrying the same and the said last recited Act into Execution; and that the said Trustees, or any Three or more of them, shall and may adjourn themselves from Time to Time, and meet at the above Inn or at any other House or Place, as they or any Three or more of them may think proper; and that if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Trustees to act, the Meeting shall be adjourned, and that Two Trustees shall be sufficient for the Purpose of Adjournment only; and that in case the said Trustees or any of them shall not attend, or shall omit to adjourn, then the Clerk or Clerks to the said Trustees shall adjourn the said Meeting, and appoint the said Trustees to meet at the Place where such last Meeting was appointed to be held, within Three Weeks next after the Day on which such last Meeting was appointed to be held, and shall cause Notice thereof to be affixed on the several Turnpike Gates on the said Road at least Ten Days before such Meeting; at which Meeting the said Trustees shall and may, by Writing under their Hands, elect and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and also a Collector or Collectors of the Tolls and of all the Monies to be collected or which shall or may be due and payable under or by virtue of the said last recited Act and this Act, and shall likewise appoint some fit and proper Person or Persons to be a Surveyor or Surveyors of the said Road, and all such other Officers as they the said Trustees shall think proper; and that they the said Trustees shall and may from Time to Time remove all such Treasurers, Clerks, Collectors, Receivers, Surveyors and other Officers, or any of them, when and as often as they shall see Occasion, and appoint others in their stead, as to the said Trustees shall seem proper; and the said Trustees shall and may, out of the Tolls and

other

other Monies to be collected and received under or by virtue of the said last recited Act and this Act, make such Allowance, by way of Salaries or otherwise, unto the Treasurers, Clerks, Collectors, Receivers, Surveyors, and other Officers so to be appointed, for and in Consideration of the Care and Pains by them respectively taken in the Execution of their respective Offices, and to such other Person or Persons as shall be assisting in and about the Execution of the said last recited Act and this Act, as to the said Trustees shall seem proper.

Treasurer and Clerk not to be the same Person.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purpose of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk, in the Execution of this Act; or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Old Officers may continue until others are appointed.

X. And be it further enacted, That every Clerk, Collector of the Tolls, Surveyor, and other Officer and Officers nominated and appointed under and by virtue of the said first recited Act hereby repealed, (save and except the Treasurer or Treasurers to the said Trustees) shall hold and enjoy their several and respective Offices and Employments until he or they shall be removed therefrom respectively by the said Trustees; and every such Clerk, Collector, Surveyor or other Officer or Officers, shall have the like Powers and Authorities for carrying the said recited Act of the Third Year of the Reign of His said present Majesty and this Act into Execution, and shall be subject and liable to such Pains and Penalties, and to the like Powers of Removal, and to the like Rules and Regulations in all respects whatsoever, as if he or they had been nominated or appointed under or by virtue of this Act.

Books used under former Act to be Evidence.

XI. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said first recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits and Actions whatsoever, in such and the same Manner as if the said first recited Act had not been repealed.

Officers under the former Act to account.

XII. Provided also, and be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by

by virtue or in pursuance of the said first recited Act, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings or Things relating to the said Road, shall account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said last recited Act inflicted in respect to the several Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Act and this Act.

Trustees may continue or erect Gates.

XIII. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may as they shall think proper, continue or remove all or any of the Toll Gates erected by virtue of the said first recited Act, or which shall or may be erected by virtue thereof and of this Act, or either of them, and may erect and set up, or cause to be erected and set up, any other Toll Gate or Gates, Bar or Bars, Chain or Chains, in, upon, or across any Part or Parts of the said Road, and upon the Sides thereof respectively, or across any Lane or Way leading into or out of the same, and may also continue, erect, or provide a Toll House, with suitable Outbuildings and Conveniences, at or near each Toll Gate, and may from Time to Time afterwards remove, alter, or discontinue such Toll Gates or Toll Houses, or any of them, as they the said Trustees or any Five or more of them shall think expedient; and also may take in and inclose from the said Road convenient Garden Spots for the said Toll Houses respectively, not exceeding One Eighth Part of an Acre to each Toll House; any thing in this or the said first recited Act to the contrary notwithstanding.

Power to sell the present Toll Houses.

XIV. And be it further enacted, That it shall be lawful for the said Trustees absolutely to sell and dispose of any Toll House or Toll Houses erected by virtue of the said Act hereby repealed on the said Road to be improved and repaired by virtue of this Act, or hereafter to be erected by virtue of this Act, and the Ground whereon the same may stand, with the Outhouses, Gardens, and Appurtenances thereunto belonging, when they shall be considered by the said Trustees useless and unnecessary for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Sale, at or for such Price or Prices as they the said Trustees can obtain for the same; and in case of Sale, to convey the said Toll Houses, Gardens, and Appurtenances to the Person or Persons who shall purchase the same, as an Estate or Estates of Inheritance in Fee Simple; and the Person or Persons who shall purchase the same, his, her, or their Heirs or Assigns, shall upon Payment of his, her, or their Purchase Money to the said Trustees, or to their Treasurer or Treasurers for the Time being, hold and enjoy the Premises by him, her, or them so purchased, discharged from all Trust, and free from all Incumbrances whatsoever, and shall not be obliged to see to the Application of his, her, or their Purchase Money, nor be answerable for the Misapplication or Non-application thereof: Provided always, that such Preference of purchasing shall be given to the Owner or Owners of the adjoining Land, as is by the said last recited Act directed to be given where any Piece or Pieces of Ground or old Road, not wanted for the Purposes of any Turnpike Road, is authorized to be sold and disposed of.

Power to take Tolls.

XV. And be it further enacted, That the several Tolls following shall be demanded and taken at each of the Gates, Bars or Chains, by such Person or Persons as the Trustees, or any Three or more of them, shall from Time to Time appoint for that Purpose, before any Horse, Cattle, or

or Carriage shall be permitted to pass through the same; (that is to say),

Tolls.

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

For every Score of Oxen or Neat Cattle, the Sum of Ten-pence, and so in proportion for any greater or less Number:

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

For Five or more Horses or other Beasts of Draught, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Curricle, Chair, Caravan, Hearse, Litter, or other such Carriage, the Sum of Two Shillings and Sixpence:

For Three or Four Horses or other Beasts of Draught, drawing any such Carriage, the Sum of Two Shillings:

For Two Horses or other Beasts of Draught, drawing any such Carriage, the Sum of One Shilling:

For One Horse or other Beast of Draught, drawing any such Carriage, the Sum of Eight-pence:

For Four or more Horses or other Beasts of Draught, drawing such Waggon, Wain, or other Four-wheeled Carriage, having the Fellies of the Wheels thereof Six or more Inches in Breadth, and under Nine Inches, the Sum of Two Shillings and Four-pence:

For Three or fewer Horses or other Beasts of Draught, drawing any such last-mentioned Waggon, Wain, or other such Four-wheeled Carriage, the Sum of One Shilling and Two-pence:

For Four or more Horses or other Beasts of Draught, drawing any Waggon, Wain, or other such Carriage, having the Fellies of the Wheels thereof Nine Inches or more in Breadth, the Sum of Two Shillings:

For Three Horses or other Beasts of Draught, drawing any such last-mentioned Waggon, Wain, or other such Carriage, the Sum of One Shilling and Sixpence:

For One or Two Horses or other Beasts of Draught, drawing any such last-mentioned Waggon, Wain, or other such Carriage, the Sum of One Shilling:

For Three or more Horses or other Beasts of Draught, drawing any Cart or any such Carriage, having the Fellies of the Wheels thereof Six Inches or more in Breadth, and under Nine Inches, the Sum of One Shilling and Sixpence:

For Two Horses or other Beasts of Draught, drawing any such last-mentioned Cart or other such Carriage, the Sum of One Shilling:

For One Horse or other Beast of Draught, drawing any such last-mentioned Cart or other such Carriage, the Sum of Eight-pence:

For Four or more Horses or other Beasts of Draught, drawing any Cart or other such Carriage, having the Fellies of the Wheels thereof Nine Inches broad or more, the Sum of One Shilling and Four-pence:

For Two or Three Horses or other Beasts of Draught, drawing any such last-mentioned Cart or other such Carriage, the Sum of One Shilling:

For One Horse or other Beast of Draught, drawing any such last-mentioned Cart or other such Carriage, the Sum of Eight-pence:

For any Horse or Horses, or other Beast or Beasts of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches at the Bottom or Soles thereof, One Half more than the Tolls which are payable by this Act for any Horse or Horses, or other Beast or Beasts of Draught, drawing any Carriage of the same Description, having the Fellies thereof of the Breadth of Six Inches: And

For

For any Horse or Horses, or other Beast or Beasts of Draught, drawing any Waggon, Wain, Cart, or other such Carriage, having the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches, and less than Six Inches at the Bottom or Soles thereof, One Fourth more than the Tolls or Duties payable by this Act in respect of the Horse or Horses, or other Beast or Beasts of Draught, drawing any Carriage of the same Description, having the Fellies thereof of the Breadth of Six Inches.

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

Tolls to be paid but Once a Day at each Gate.

XVI. Provided always, and be it further enacted, That no Person shall be subject to the Payment of Toll more than Once in any One Day, (such Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night), for passing and repassing with the same Horse or Horses, Beasts or Cattle, through the same Turnpike, except as herein-after mentioned, such Person or Persons producing a Note or Ticket denoting the Payment of such Toll; and which Note or Ticket the Collectors of the Tolls are hereby required to deliver *gratis*, on Payment of the Toll.

Limiting the Number of Tolls to be paid in One Day.

XVII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees, or their Lessee or Lessees, Collector or Collectors, to demand or take more than Five full Tolls the same Day on the whole Line of the said Road, from any Person passing or repassing in any one Day (to be computed as aforesaid) along the said Road with the same Horses, Cattle, Beasts or Carriages; and that all and every Person or Persons, after having paid such Five full Tolls on the same Day at the Toll Gates now erected or hereafter to be erected on the said Road, on producing Notes or Tickets denoting such Payments, shall afterwards pass Toll-free with the same Horses, Cattle, Beasts, or Carriages during such Day (to be computed as aforesaid) through the same Toll Gates, or through any other Toll Gates erected or to be erected on the said Road, or on the Sides thereof, except as herein-after mentioned.

Stage Coaches, Caravans, and Post Chaises to pay every Time of passing.

XVIII. Provided always, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate, the Tolls hereby made payable shall be paid for repassing through such Toll Gate in like Manner as if no Toll had been before paid; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise and other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day with a Ticket denoting a fresh Hiring.

Exemption at a principal Gate, after having passed through a Side Gate, or vice versâ.

XIX. Provided also, and be it further enacted, That all Horses, Cattle, or Carriages which shall pass the same Day through any Side Gate or Bar now erected or hereafter to be erected on the Side or Sides of the said Road made by Authority of the said first recited Act, and through the next Gate or Bar now erected or hereafter to be erected across the said last-mentioned Road, or *vice versa*, shall be exempt at the second of such Gates or Bars from so much Toll as shall have been respectively paid for such Horses, Cattle, or Carriages at the first of the same Gates or Bars which they shall have

have so previously passed through, by a Note or Ticket, which the Collectors of the Tolls are hereby required to deliver *gratis*, on Receipt of the Tolls.

Trustees may reduce Tolls.

XX. And be it further enacted, That it shall and may be lawful for the said Trustees, at a Meeting to be held for that Purpose, (of which One Calendar Month's Notice shall be given in Writing, to be affixed on all the Turnpike Gates now erected upon the said Road, and in some Newspaper circulated in that Part of the County) from Time to Time to lessen and reduce all or any of the Tolls granted by this Act, for and during such Time as the said Trustees shall think proper; and afterwards, at any Meeting to be held as aforesaid, from Time to Time as they shall see Occasion, to advance all or any of the Tolls so lessened to any Sum or Sums of Money not exceeding the several Rates granted by this Act, and such Tolls may be so lessened or reduced at the first Meeting to be held under the Authority of this Act, without the Consent of any of the Persons entitled to the Money remaining due upon the Tolls: Provided nevertheless, that after the first Meeting, the said Tolls or any of them shall not be lessened or reduced without the Consent of the Person or Persons entitled to Five Sixths of the Money remaining due upon Mortgage of the Tolls.

Power to exempt Persons from Payment of any of the Tolls at the Third, Fourth, or Fifth Gate.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees assembled at any Meeting or Meetings to be held for that Purpose, and they are hereby empowered from Time to Time, if they in their Discretion shall think proper, to exempt all Persons who shall have passed the same Day through Three of the principal Gates or Toll Bars erected or hereafter to be erected across the said Road, with any Cart, Waggon, or other Carriage, from the Payment of all or any Part of the Tolls payable at the Third, Fourth, and Fifth of the principal Gates or Toll Bars which may be passed through the same Day, or at any of them, by any Person or Persons, on producing a Note or Ticket from the Collector of the Payment of Toll at the First of such Three Gates or Toll Bars so passed through as aforesaid, which Note or Ticket such Collector is hereby required to deliver *gratis*, on Payment of the Toll; and the said Trustees are hereby empowered from Time to Time afterwards again to impose or advance the Tolls so taken off or reduced by virtue of the Powers aforesaid, or any of them, so that they do not exceed the respective Rates mentioned in this Act; provided that no Meeting be held for any of the last-mentioned Purposes, unless Twenty-one Days previous Notice at the least shall have been given thereof in Writing, to be affixed upon all the Turnpikes which shall be then erected upon the said Road, and also inserted in some Newspaper published or circulated in the said County.

Application of the Money arising from the Road.

XXII. And be it further enacted, That all the Monies already collected or received under or by virtue of the said recited Act of the Forty-first Year of His said late Majesty's Reign, or which shall hereafter be borrowed, collected, or received under the Powers and Authorities of the said last recited Act and this Act, or either of them, shall be disposed of and applied in Manner following; (that is to say), in the first Place in Payment and Discharge of the Expences of procuring and passing this Act, and all incidental Charges relating thereto and attending the same; and in the next Place in paying and satisfying the Salaries and Compensation to be made to Officers and other Persons assisting in the Execution of this and the said last recited Act; and in the next Place in Payment and Discharge of the Principal and Interest of all such Sum and Sums of Money which have been borrowed for the Use of the said Road, upon the individual Security of the Trus-

tees or any of them, or any other Person or Persons; and in Payment of all Sum and Sums of Money due to the late or present Treasurer or Treasurers of the said Road or their respective Executors or Administrators, together with lawful Interest; and in the next Place in Payment and Discharge of the Principal and Interest of all such Sums of Money as are now due and owing under the Authority and upon the Credit of the said first recited Act, and of any Money to be borrowed by virtue of this Act and the said last recited Act, or either of them; and also in Payment and Discharge of the Expences of widening, altering, diverting, repairing, improving and keeping in Repair the said Road, and in otherwise putting this Act and the said last recited Act into Execution.

Trustees may contract for the making or repairing the Road.

XXIII. And be it further enacted, That the said Trustees, or such Person or Persons as they shall for that Purpose authorize, delegate, or appoint, shall and may, and they and he are and is hereby empowered to contract with any Person or Persons for making, altering, diverting, widening, repairing or otherwise improving the said Road or any Part thereof, or for doing any other Work to be performed in the Execution of the said last recited Act and this Act, in such Manner and for such Sum or Sums of Money as the said Trustees shall think proper; and that all Contracts or Agreements in Writing entered into pursuant to any Order of the said Trustees, or by their Clerk or Treasurer, Surveyor or other Officer, with any Workmen, or other Person or Persons, relating to any Matter or Thing to be done by virtue of the said last recited Act and this Act, or either of them, shall be binding upon all such Parties and Persons as shall sign the same, his, her, or their Executors or Administrators.

Parishes, Townships, and Hamlets liable to repair.

XXIV. And be it further enacted, That the Road made by Authority of the said first recited Act shall be deemed and taken to be the King's common Highway, to all Intents and Purposes whatsoever, and that the Inhabitants of the several Parishes, Townships, Hamlets, Districts or Places through which the said Road now leads, passes, and extends, or shall hereafter, lead, pass, and extend, shall be and continue subject and liable to the Repair thereof, in like Manner and in every respect as they now are or heretofore have been by Law liable to the Repair of any other common Highway in the said Parishes, Townships, Hamlets, Divisions, Districts or Places.

Restraining Trusteesfrom taking down Dwelling Houses, &c. without Consent.

XXV. Provided always, and be it enacted, That the Powers and Authorities hereby given shall not in any Case be construed to extend to empower or authorize the said Trustees to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Park, Paddock, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof first had and obtained.

Regulations as to the Performance of Statute Work.

XXVI. And be it further enacted, That all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Road or any Part thereof, shall still remain liable thereunto in like Manner as heretofore; and it shall be lawful for any Two or more Justices of the Peace for the said County Palatine of *Lancaster*, and they are hereby empowered and required (upon Application made to them for that Purpose by the said Trustees, or by their Clerk or Clerks, Surveyor or Surveyors,

by their Order) yearly to adjudge and determine what Part or Proportion of the Statute Work shall every Year be done upon the said Road by the Inhabitants of the respective Parishes, Townships, Hamlets, or Places liable thereto, or in which the said Road lies; and also what Proportion of the Money received by the Surveyor or Surveyors of the Highways of every such Parish, Township, Hamlet, 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 their Treasurer or Treasurers; and in order thereto 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, 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, 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 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 or may allot, appoint, and order such and so many of the Persons who shall appear to be subject and liable to do Statute Work as aforesaid, to do such Number of Days Statute Work in every Year upon the said Road as the said Justices shall think reasonable; and the same shall be done on such Days and at such Times (not being Hay-time or Harvest), and on such Parts of the said Road, as the said Trustees, or their Surveyor or Surveyors shall from Time to Time order, direct, and appoint; and the said Justices may also order and direct the Surveyor or Surveyors of such respective Parishes, Townships, Hamlets, or Places, to pay over to the said Trustees, or their Treasurer or Treasurers, such Proportion of the Composition for Statute Work as aforesaid, as they the said Justices shall think proper, and at such Time or Times as the said Justices shall direct; and each and every Person who shall neglect or refuse to do Statute Work as aforesaid, after Notice in Writing given to or left for him, her, or them for that Purpose, signed by the Surveyor or Surveyors to the said Trustees, shall for every Day of his, her, or their Default, or the Default of any Labourer or Labourers, Team or Teams, Draught or Draughts, Horse or Horses, Beast or Beasts, to be provided by him, her, or them, be subject and liable to such Pains, Penalties and Forfeitures as such 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 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 refused or neglected to come, or such Team or Draught had not been sent to work on any Part of the said Road; all which Forfeitures shall be paid to the Treasurer or Treasurers to the said Trustees, and applied towards amending the said Road; and in case the said Surveyor or Surveyors of the Highways for any of the said Parishes,

Townships,

Townships, Hamlets, 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 or their Goods and Chattels, by Warrant under the Hands and Seals of any Two Justices of the Peace for the County or Place where the Offence shall be committed, on Complaint made to such Justices by the Surveyor to the said Trustees.

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

XXVII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid, in pursuance of the Directions of the said recited Act of the Third Year of the Reign of His present Majesty or this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any 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 Justice or Justices from the Clerk or Clerks to the said Trustees or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation 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: Provided always, that the said Treasurer shall and may retain out of any Monies which may come into his Hands in pursuance of this Act, all such Costs, Charges, and Expences as he shall be put unto by virtue of such Order or Orders as aforesaid.

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.

Term of the Act.

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

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