ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. xcviii.

An Act to repeal an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing, altering, and improving the Roads from* Ashbourne *to* Sudbury, *and from* Sudbury *to* Yoxall Bridge, *and from* Hatton Moor *to* Tutbury, *and from* Uttoxeter *to or near the Village of* Draycott-in-the-Clay, *and from* Hadley Plain *on the late Forest or Chase of* Needwood *to* Callingwood Plain *on the same late Forest or Chase;* and to make other Provisions in lieu thereof.

[29th *June* 1863.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing, altering, and improving the Roads from* Ashbourne *to* Sudbury, *and from* Sudbury *to* Yoxall Bridge, *and from* Hatton Moor *to* Tutbury, *and from* Uttoxeter *to or near the Village of* Draycott-in-the-Clay, *and from* Hadley Plain *on the late Forest or Chase of* Needwood *to* Callingwood Plain *on the same late Forest or Chase,* whereby a certain Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening* 11 G. 4 & 1 W. 4. c. lxxxix. 6 G. 3. c. 79.

widening the Road from Ashbourne *to* Sudbury, *and from* Sudbury *to* Yoxall Bridge, *and from the Turnpike Road upon* Hatton Moor *to* Tutbury, *in the Counties of* Derby *and* Stafford, and another Act passed in the Twenty-seventh Year of the Reign of His said late Majesty King
27 G. 3. c. 87. *George* the Third, intituled *An Act for enlarging the Term and Powers of an Act made in the Sixth Year of the Reign of His present Majesty King* George *the Third, for repairing and widening the Road from* Ashbourne *to* Sudbury, *and from* Sudbury *to* Yoxall Bridge, *and from the Turnpike Road upon* Hatton Moor *to* Tutbury, *in the Counties of* Derby *and* Stafford, and another Act passed in the Forty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled
49 G. 3. c. 6. *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from* Ashbourne *to* Sudbury, *and from* Sudbury *to* Yoxall Bridge, *and from* Hatton Moor *to* Tutbury, *in the Counties of* Derby *and* Stafford, *and for making Two new Branches of Road to communicate therewith*, were repealed: And whereas in the said recited Act the said Turnpike Roads from *Ashbourne* to *Sudbury*, and from *Sudbury* to *Yoxall Bridge*, and from *Hatton Moor* to *Tutbury*, were called "The *Sudbury* District," and the said Turnpike Roads from *Uttoxeter* to or near the Village of *Draycott-in-the-Clay*, and from *Hadley Plain* to *Callingwood Plain* aforesaid, were called "The *Uttoxeter* District," and by the said recited Act it was enacted that that Act should continue and take effect upon the passing thereof, and should continue for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament: And whereas the Trustees appointed in or by virtue of the said recited Act proceeded in the Execution thereof, and caused such Diversions of the Road on the "*Sudbury* District" and also on the "*Uttoxeter* District" as are mentioned in the said recited Act to be made and executed: And whereas the said Trustees, and also the Trustees appointed in or by virtue of the said repealed Acts, or some of them, from Time to Time borrowed, for the Purpose of carrying the same Acts into execution, various Sums of Money on the Credit of the Tolls authorized to be taken on the said Roads, and the aggregate Sum of Four thousand and fifty Pounds, the Particulars of which are set forth in the Schedule No. 1. hereunto annexed, now remains due and owing upon Security of the Tolls of the Roads comprised in the said District called "The *Sudbury* District," and the aggregate Sum of Two thousand four hundred Pounds, the Particulars of which are set forth in the Schedule No. 2. hereunto annexed, now remains due and owing upon Security of the Tolls of the Roads comprised in the said District called "The *Uttoxeter* District," respectively: And whereas Interest at the Rate of Four Pounds *per Centum per Annum* is secured on the said aggregate Sum of Four thousand and fifty Pounds, and Interest at the Rate of Two Pounds *per Centum per Annum* upon the said aggregate Sum of Two
24 & 25 Vict. c. 64. thousand four hundred Pounds: And whereas by "The Annual Turnpike Acts Continuance Act, 1861," the Term of the said recited Act of the Eleventh

The Ashbourne, Sudbury, and Yoxall Bridge, and Uttoxeter and Callingwood Plain Turnpike Act, 1863.

Eleventh of *George* the Fourth was limited to the First Day of *November* One thousand eight hundred and sixty-two, and by "The Annual Turnpike Acts Continuance Act, 1862," the Term of the same Act was limited to the First Day of *November* One thousand eight hundred and sixty-three, and no longer, and the same will then expire unless Parliament should in the meantime continue the same: And whereas it is expedient that the Interest hitherto paid upon the said Sum of Four thousand and fifty Pounds should be reduced, and the Interest hitherto paid upon the said Sum of Two thousand four hundred Pounds should be discontinued: And whereas the said Sums of Four thousand and fifty Pounds and Two thousand four hundred Pounds cannot be paid off, nor the Interest upon the said Sum of Four thousand and fifty Pounds discharged, nor can the said respective Districts of Roads be effectually amended and kept in repair, unless the Term of the said first-recited Act be further continued, and further Powers and Provisions granted: And whereas it is expedient that the said first-recited Act should be repealed, and that further and more effectual Power and Provisions should be granted and made in lieu thereof: And whereas the Purposes of this Act 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 the present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Commencement and Term of Act.

1. That this Act shall commence and be put into execution on the Day of the passing thereof, and shall continue in force and execution for and during the Term of Twenty-five Years from that Day inclusive, and from thence to the End of the Session of Parliament which shall then next follow, for the Purposes herein-after mentioned.

Recited Act repealed.

2. That from and after the passing of this Act the said recited Act of the Eleventh Year of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby repealed.

Short Title.

3. This Act may be cited for any Purpose whatsoever, as "The *Ashbourne, Sudbury, and Yoxall Bridge, and Uttoxeter and Callingwood Plain* Turnpike Act, 1863."

Interpretation of Terms.

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

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

The Expression "the Road," or "the Roads," shall mean the Roads for the Time being under the Management of the Trustees:

The Word "Turnpike" shall include Toll Gate, Toll House, Side Bar, Box and Chain:

The

The Word "Carriage" shall include all Carriages, Coaches, Stage Coaches, Omnibuses, Vans, Caravans, Barouches, Chariots, Chaises, Curricles, Phaetons, Cabs, Flys, Cars, Gigs, Taxed Carts, and other Vehicles, by whatsoever Names known, which respectively are adapted or used for the Conveyance of Persons or light Articles, and also all Hearses and Breaks, and all other Vehicles not comprised in the Word "Cart" or "Waggon" as employed in this Act:

The Word "Cart" and the Word "Waggon" respectively shall include all Carts, Waggons, Wains, Vans, Drays, Timber Carriages, and other Vehicles, by whatsoever Names known, which respectively are adapted or used for the Conveyance of heavy Articles.

Act to take effect for the Purposes herein named.

5. This Act shall take effect and shall be put in execution for and during the said Term thereof, for the Purpose of managing, maintaining, amending, and from Time to Time repairing and improving the several Districts of Roads herein-after described; (that is to say,) "The *Sudbury* District," which shall comprise the present Turnpike Roads leading from *Ashbourne* to *Sudbury*, and from *Sudbury* to *Yoxall Bridge*, and from *Hatton Moor* to *Tutbury*, and "The *Uttoxeter* District," which shall comprise the present Turnpike Roads leading from *Uttoxeter* to or near the Village of *Draycott-in-the-Clay*, and from *Hadley Plain* to *Callingwood Plain* aforesaid, and for the several other Purposes herein-after mentioned.

Contracts, &c. preserved.

6. Subject to the Provisions of this Act all Bonds, Mortgages, Conveyances, Agreements, Covenants, Contracts, and Securities made or entered into by any Person to or with the Trustees for executing the said recited Acts shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given under or by virtue of the said recited Act, or of any other Act therein mentioned, or by the Trustees for executing the same, with or to any Person or Persons, for any Purpose relating to the Roads therein respectively comprised, or to the Execution of such Act, and all Assignments and Transfers of such Bonds and Mortgages, shall, except so far as the same are varied, altered, or otherwise provided for by this Act, remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Contracts, Agreements, or Notices, according to the Terms and Stipulations and the true and equitable Intent and Meaning thereof; and, subject to the Provisions of this Act, all such Bonds and Mortgages shall be a Charge upon the said Roads and the Tolls herein-after authorized to be taken thereupon, in such and the same Manner as if the same had been given

given by the Trustees under this Act, instead of the Trustees acting under the said recited Act, or of any other Act therein mentioned; and all Powers and Authorities vested in the Trustees acting under the said recited Act shall and may, notwithstanding the Repeal thereof, be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act.

Property held under recited Act vested in Trustees.

7. All Lands, Buildings, Toll Gates, Materials, Toll Apparatus, Books, Accounts, Deeds, Papers, Writings, and other Things, and all Choses in Action, respectively vested in or belonging to the Trustees under the said recited Act, and all Rents, Arrears of Rent, and other Monies due or to become due to the said last-named Trustees, and all Monies then in their Hands, shall immediately upon the Commencement of this Act be vested in and shall belong to the Trustees under this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in and had belonged to them under the said recited Act, and such last-mentioned Trustees shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Time of the Repeal thereof, except and in so far as the same are by this Act extinguished, or discharged or varied, or are not saved.

Actions not to abate.

8. Any Action, Suit, Prosecution, or other Proceeding commenced by or against the Trustees under the said recited Act before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect in the same Manner, and to and for all Intents and Purposes, as if this Act had not been passed, save only that the Trustees shall be substituted therein as Parties or otherwise for the Trustees under the said recited Act.

Books, &c. to be Evidence.

9. All Books of Proceedings, and other Books, Documents, and Writings, by the said recited Act directed or authorized to be kept or continued to be kept, and which are made Evidence thereby, and which would in case the said recited Act had not been repealed be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity, and by all Judges, Justices, and others.

Officers continued.

10. Notwithstanding the Repeal of the said first-recited Act, every Officer and Servant appointed by virtue of or acting under that Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Trustees, until he shall be removed from his said Office and Employment; and he shall have the like Powers and Authorities for the Purposes of this Act, and be subject to the like Powers of Removal, Rules, Regulations, Pains, and Penalties, as if he had been appointed under this Act.

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Trustees.

11. All Her Majesty's Justices of the Peace acting for the Time being for the Counties of *Derby* and *Stafford*, together with *Frederick Anson* Clerk, *Henry Archer*, *John Archer*, *Henry Abud* Clerk, the Right Honourable *William* Lord *Bagot*, *Thomas Bladon*, *George Goodwin Bladon*, *Thomas Bladon* the younger, *Charles Dashwood Bladon*, *George Bladon*, *John Blurton* (of *Dunstall*), *Charles Edward Boothby*, *Frederick William Bott*, *Francis Bradshaw* the elder, *Francis Bradshaw* the younger, *John Broadhurst*, the Honourable *Richard Cavendish*, *William John Fox*, *Lorenzo Kirkpatrick Hall*, *George Hollis*, *Hugo Charles Meynell Ingram*, *Hugo Francis Meynell Ingram*, *Clement Thomas Sneyd Kynnersley*, *William Henry Sneyd Kynnersley*, *Thomas Littlewood*, *John Minors* (of *Eaton*), *Richard Minors* (of *Bromshall*), Sir *Oswald Mosley* Bart., *Tonman Mosley*, *Robert Deaville Owen* Clerk, *Thomas Pickering*, *John Richardson*, *William Smith* (*Sedsall*), *John Spencer Stone*, *Thomas Tibbits*, *James Orton Tibbits*, the Right Honourable *George John Warren* Lord *Vernon*, the Honourable *Augustus Henry Vernon*, the Honourable *William Warren Vernon*, *John Vernon* (of *Uttoxeter*), *Thomas Vernon* (of *Uttoxeter*), the Right Honourable *Henry Anson* Lord *Waterpark*, *Thomas Webb* (*Smallwood*), *John Blurton Webb* Clerk, *William Webb* (*Clownholme*), *Charles Wood* (*Uttoxeter*), and *Trevor Yates*, and the successive Trustees, being duly qualified, shall be and they are hereby appointed the Trustees for executing the Powers and Provisions of this Act.

Power to appoint additional Trustees.

12. It shall be lawful for the Trustees and they are hereby authorized and empowered from Time to Time, at any of their Meetings to be held in pursuance of this Act, to elect and appoint any Number of Persons being duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding at any One Time Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Persons so elected and appointed, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been hereby nominated and appointed: Provided always, that no Person shall be so elected or appointed a Trustee unless Notice thereof shall have been given at the Meeting immediately preceding that at which the Election and Appointment shall be made.

First Meeting of Trustees.

13. The Trustees shall hold their First Meeting at the Town Hall in *Uttoxeter* in the County of *Stafford*, or at some other convenient Place on or near the Roads, on the Third *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places near the Roads as the Trustees or the Majority of them present at any such Meetings respectively shall think proper and appoint.

Present Tolls continued for a Term.

14. Notwithstanding the Repeal of the said first-recited Act, the several Tolls thereby granted and made payable shall continue to be paid at

at the Turnpikes now or hereafter to be set up, placed, or erected on or on the Sides of the Roads, until Twelve o'Clock at Noon on the Thirty-first Day of *December* One thousand eight hundred and sixty-three.

Power to take Tolls.

15. From and after Twelve o'Clock at Noon on the Thirty-first Day of *December* One thousand eight hundred and sixty-three it shall and may be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take on every Day (such Day to be computed from Twelve of the Clock at Night until Twelve of the Clock in the next succeeding Night), at each and every Turnpike, Toll Gate, Bar, or Chain, now or to be hereafter set up, erected, or placed upon or across or by the Side or Sides of the Roads by this Act authorized or directed to be maintained, amended, improved, and kept in repair, such Tolls or Sums of Money as the Trustees at any of their Meetings shall from Time to Time direct, not exceeding the Tolls following; (that is to say,)

For each and every Horse or other Beast drawing any Carriage, Cart, or Waggon whatever, with Wheels of less Breadth than Four and Half Inches on the Sole thereof, the Sum of Sixpence;

For each and every Horse or other Beast drawing any Carriage, Cart, or Waggon whatever, with Wheels of the Breadth of Four and Half Inches, but less than Six Inches, on the Sole thereof, the Sum of Fourpence Halfpenny; and with Wheels of the Breadth of Six Inches or more on the Sole thereof, the Sum of Threepence;

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of Three Halfpence;

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

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

And for every Carriage moved or propelled by Steam or by Machinery, or by any Power other than Animal Power, such Tolls as are authorized to be taken by the First Section of the Twenty-fourth and Twenty-fifth *Victoria*, Chapter Seventy, being the "Locomotive Act, 1861," or any other Tolls which may be authorized to be taken in respect to such like Carriage by any General Act hereafter passed:

Which said Tolls, and all and every Sum and Sums of Money, shall be demanded and taken as aforesaid before any Horse, Mule, Ass, or other Beast, or any Cattle or Carriage whatsoever, shall be permitted to pass through any such Toll Gate or Turnpike, Bar or Chain, as now or hereafter shall be set up, erected, or placed in any of the Places, Positions, or Manners aforesaid, and all which said Tolls, and all and every Sum and Sums of Money, shall be and the same are hereby vested in the Trustees, and shall be applied for the Purposes of this Act in manner herein-after mentioned.

16. In

As to the Fraction of a Halfpenny in Tolls.

16. 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 taken the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Half Toll only to be paid for Lime.

17. No more than One Half of the Tolls payable at any Toll Gate or Gates now set up, erected, or placed, or to be set up, erected, or placed on the said Roads in any of the Places, Positions, or Manners aforesaid, shall be demanded or taken for or in respect of any Horse or other Beast, or any Cart, Waggon, or other Carriage, with the Wheels of the Breadth of Four and a Half Inches or more on the Soles thereof, employed in carrying or conveying, or going unladen or empty to fetch, carry, or convey, or returning unladen or empty from carrying or conveying, having been employed only in carrying or conveying on the same Day any Lime which shall be used for manuring of Land only.

Tolls to be paid only once a Day at each Gate.

18. In case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, Cattle, Waggon, Cart, or Carriage through any of the Gates or Turnpikes to be continued or erected upon the said Roads, such Horse, Beast, Cattle, Waggon, Cart, or Carriage shall, upon a Note or Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free at any Time or Times during the same Day (to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night) through the same Gate or Turnpike, or through such other Gate or Turnpike now or hereafter to be set up, erected, or placed as aforesaid on the same District as the Ticket for such Payment shall denote to be free.

No more than Three full Tolls payable on the Sudbury District and Two on the Uttoxeter District in One Day.

19. No more than Three full Tolls on the "*Sudbury* District," and Two full Tolls on the "*Uttoxeter* District," shall be demanded or paid for passing and repassing on one and the same Day, to be computed as aforesaid, with the same Horses, Cattle, and Carriages through all and every or any of the Toll Gates erected or to be erected on the said Districts respectively, anything herein contained to the contrary notwithstanding.

Stage Coaches, &c. to pay every Time of passing.

20. The Tolls hereby made payable shall be paid for and in respect of all Horses or other Beasts drawing any Stage Coach, Van, Caravan, or Stage Waggon, or other Stage Carriage carrying Passengers or Goods for Pay, Hire, or Reward, or in respect of any Carriage moved or propelled by Steam or Machinery, and conveying Passengers for Pay, Hire, or Reward for every Time of passing or repassing along the said Roads; and also for or in respect of all Horses or other Beasts drawing any Postchaise or other Carriage travelling for Hire for every Time of passing or repassing along the said Road whenever a new Hiring of such Postchaise or other Carriage shall have taken place, as if no previous Payment of Toll in respect of such Horses or other Beasts had been made on the same Day.

Postchaises on every new Hiring.

21. The

Horses, &c. drawing different Carts, &c. to pay every Time of passing.

21. The Tolls by this Act authorized to be taken shall be paid in respect of each and every Horse or other Beast drawing any laden Cart or Waggon for every Time during the same Day that such Horse or other Beast shall pass through any Turnpike upon the said Roads drawing any other laden Cart or Waggon than that which such Horse or other Beast was employed in drawing at any former Time during the same Day on which such Tolls shall have been paid.

Agricultural Machines, &c.

22. No Exemption from Toll under this Act shall be allowed in respect of any Horse or other Beast drawing any Agricultural Machine or Implement, let or to be let for Hire, or travelling for the Purpose of being used by any Person other than the Owner thereof.

Tolls not to be expended in repairing the Streets of Ashbourne or Uttoxeter.

23. It shall not be lawful for the Trustees to apply, expend, or appropriate any of the Tolls hereby granted or authorized to be taken upon the *Sudbury* District, or any of the Monies now borrowed or hereafter to be borrowed upon the Credit thereof, in or towards the maintaining, widening, improving, or repairing any of the Streets in the Town of *Ashbourne*, or to collect any Tolls therein, or to apply, expend, or appropriate any of the Tolls hereby granted or authorized to be taken upon the "*Uttoxeter* District," or any of the Monies now borrowed or hereafter to be borrowed upon the Credit thereof, in or towards the maintaining, widening, improving, or repairing any of the Streets in the Town of *Uttoxeter*, or to collect any Tolls therein.

Interest not to be paid until Expenses of Act paid.

24. No Interest, whether the same be Interest in arrear or accruing, shall be paid on any of the Principal Sums owing on Security of the Tolls of the aforesaid Districts or either of them, until the Expenses of and incident to the applying for, preparing, obtaining, and passing this Act shall have been paid and satisfied.

Trustees not to be bound by Trusts.

25. The Trustees shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any Money owing on the Credit of the Tolls may be subject, and the Receipts of the Party who shall appear in the Book of Mortgages of the Trustees to be entitled to any such Sum of Money shall from Time to Time be a sufficient Discharge to the Trustees and their Treasurer for such Sum of Money, and for any Interest payable in respect thereof, notwithstanding any Trust to which such Sum may then be subject, and whether or not the Trustees, or their Treasurer, Clerk, or other Officer, shall have had Notice of such Trust, and the Trustees shall not be bound to see to the Application of the Money paid on such Receipt.

Application of Monies.

26. From and after the passing of this Act all Monies which shall then be in or which shall thereafter come to the Hands of the Trustees under

under or by virtue of the said first-recited Act or this Act shall be applied as follows:

As to the Monies arising from the "*Sudbury* District":

First, in paying and discharging Two Thirds of the Costs and Expenses of preparing, applying for, obtaining, and passing this Act, and incidental thereto:

Secondly, in defraying the Expenses attending the Management of the said "*Sudbury* District," and the Salaries of Officers; provided that such Expenses shall not exceed in any One Year the Sum of Forty-five Pounds, exclusive of the Rent of and the Expense of erecting and providing Toll Gates, Toll Houses, and Weighing Machines, and of the Salaries and Payments to Toll Collectors, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any Proceeding before Justices of the Peace, or any other Proceeding, for maintaining and protecting the Trust:

Thirdly, in paying Interest after the Rate of Two Pounds *per Centum per Annum* upon the said Sum of Four thousand and fifty Pounds, or upon so much thereof as shall from Time to Time be owing upon the Credit of the Tolls authorized to be taken upon the said *Sudbury* District, subject to the Proviso that no Interest shall be paid upon the said Sum or any Part thereof so long as the Expenses attending the Preparation and Application for or passing of this Act, or any Part thereof, shall remain unpaid:

Fourthly, in defraying the necessary Expenses of repairing and maintaining Toll Gates, Toll Houses, and Turnpikes, and of repairing, maintaining, and managing the Roads in the said *Sudbury* District, provided that such Expenses shall not exceed in the whole in any One Year the Sum of One hundred and twenty Pounds, exclusive of the Wages of Toll Collectors, and the Expenses of erecting any new Toll Houses or Gates when necessary:

Fifthly, in reducing, paying off, and discharging, in the Manner prescribed by this Act, the said Principal Sum of Four thousand and fifty Pounds:

Sixthly, in further maintaining, improving, and keeping in repair the said Roads on the said *Sudbury* District, and generally in executing the Provisions of this Act:

As to the Monies arising from the said "*Uttoxeter* District":

First, in paying and discharging One Third Part of the Costs and Expenses of preparing, applying for, and passing this Act, or incidental thereto:

Secondly, in defraying the Expenses attending the Management of the said *Uttoxeter* District, and the Salaries of Officers; provided that such Expenses shall not exceed in any One Year the Sum of Twenty-

Twenty-two Pounds, exclusive of the Rent of and the Expense of erecting and providing Toll Gates, Toll Houses, and Weighing Machines, and of the Salaries and Payments to Toll Collectors, if necessary, and of any Expense to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law or Suit in Equity, or preferring or defending any Indictment, or in taking any Proceeding before Justices of the Peace, or any other Proceeding, for maintaining and protecting the Trust:

Thirdly, in defraying the necessary Expenses of repairing and maintaining Toll Gates, Toll Houses, and Turnpikes, and in repairing, maintaining, and managing the Roads on the said *Uttoxeter* District, provided that such Expenses shall not exceed in any One Year the Sum of Seventy Pounds, exclusive of the Wages of Toll Collectors, and the Expenses of erecting any new Toll Houses or Gates when necessary:

Fourthly, in reducing, paying off, and discharging without Interest, in the Manner prescribed by this Act, the said Principal Sum of Two thousand four hundred Pounds:

Fifthly, in further maintaining, improving, and keeping in repair the Roads on the said *Uttoxeter* District, and generally in putting into execution the Provisions of this Act.

Payment of Annual Sum of 15*l.* to Trustees of Lichfield Trust to be continued.

27. And whereas since the Year One thousand eight hundred and twenty-nine a Sum of Fifteen Pounds has been annually paid out of the Monies arising from the said *Sudbury* District to the Trustees of the *Lichfield* Roads, by way of Compensation for the Discontinuance by the said last-mentioned Trustees of a Turnpike at *King's Bromley*, upon a Part of the said *Lichfield* Roads, the Continuance of which Toll Gate would materially injure the Prosperity of the said *Sudbury* District, and it is expedient that the said annual Payment should be continued: Be it therefore enacted, That so long as such Turnpike shall be discontinued, the Trustees of this Act may continue to make the said annual Payment of Fifteen Pounds out of the Monies arising from the said *Sudbury* District, irrespective and in precedence of the several Applications of such Monies thirdly, fourthly, fifthly, and sixthly directed to be made under and by virtue of the Provisions of the Twenty-sixth Section of this Act.

Extinction of a Debt of 1,700*l.* secured on Tolls of Uttoxeter District.

28. And whereas there is due and owing upon the said *Uttoxeter* District the Sum of One thousand seven hundred Pounds, upon which no Claim has been made for Principal or Interest since the Year One thousand eight hundred and eleven, and it is expedient that the said Principal Sum and Interest thereon should be extinguished: Be it therefore enacted, That the said Principal Sum of One thousand seven hundred Pounds due and owing upon the Credit of the Tolls of the said *Uttoxeter* District, as specified in Schedule 3. to this Act annexed, and all Arrears of

of Interest due and owing thereon respectively, and all Arrears of Interest due and owing upon any other of the Principal Sums due and owing upon the Tolls of the said *Uttoxeter* District up to the Commencement of this Act, shall be and are hereby extinguished.

Mortgagee to take possession for Arrears of Interest only.

29. No Mortgagee of the Tolls on either of the said Districts of Road shall enter into Possession of the Toll Gates thereon, or into the Receipt of the said Tolls, or of the Rent payable upon any letting of the same Tolls, in case or so long as the Interest on his Mortgage Debt up to the last half-yearly or other periodical Day on which such Interest is payable be paid within One Month after such Day as aforesaid, or within One Month after the same is demanded, which shall last happen.

Duties of Mortgagee in possession.

30. If any Mortgagee of such Tolls as aforesaid enter into the Possession or Receipt thereof, he shall pay the Interest from Time to Time due and payable on all the Mortgages of the same respective Tolls, without any Preference, and may reimburse himself his lawful Costs, and the Mortgagee so in possession or receipt shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such Mortgage shall be payable, render to the Clerk to the Trustees a full and true Account of his Receipts and Expenditure as such Mortgagee in possession or receipt, with proper Vouchers.

As to Delivery up of Possession by Mortgagee.

31. If it appears by any such Account that the Interest due on his Mortgage up to the last of such half-yearly or other periodical Days, and all such lawful Costs as aforesaid, are fully paid, then the Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance, if any, in his Hands, and deliver up possession of such respective Turnpikes and Premises as aforesaid, and the Receipt of such respective Tolls, and Rents for the letting of Tolls as aforesaid, to the Trustees, or to any Person appointed by them to receive the same.

Mode of discharging Debts.

32. When and so often as the Sum applicable upon the said *Sudbury* District towards the Payment of the said Sum of Four thousand and fifty Pounds shall amount to the Sum of Two hundred Pounds, and when and so often as the Sum applicable upon the said *Uttoxeter* District towards the Payment of the said Sum of Two thousand four hundred Pounds shall amount to the Sum of Fifty Pounds, the Trustees shall at any General Annual or other Meeting apply such Sum of Two hundred Pounds in Payment to the Person or Persons entitled to the whole or any Part or Parts of the several Mortgage Debts making up the said Sum of Four thousand and fifty Pounds, so long as the said Mortgage Debts, or any of them, or any Part or Parts thereof, shall remain due and owing, and shall apply such Sum of Fifty Pounds in Payment to the Person or Persons entitled to the whole or any Part or Parts of the several Mortgage Debts making up the said Sum of Two thousand

sand four hundred Pounds, so long as the said last-mentioned Mortgage Debts, or any of them, or any Part or Parts thereof, shall remain due and owing, and shall Twenty-eight Days at least before such Meeting give Notice, or cause Notice to be given, of such Meeting, and of the Purposes thereof, so far as the same shall relate to the Application of such Sum of Two hundred Pounds or Fifty Pounds, by Letter transmitted through the General Post Office, to every Creditor, addressed to his usual or last known Place of Residence, and at the Meeting of the Trustees shall apply such Sum of Two hundred Pounds or Fifty Pounds, or a Portion thereof, (as the Case may require,) towards the Discharge of the Monies owing upon the Security of the Tolls, and to the Discharge of which such Sum of Two hundred Pounds or Fifty Pounds is applicable, to that Creditor who shall, by Proposal in Writing transmitted to the Clerk to the Trustees before the said Meeting, have offered to accept the lowest Composition in respect of the Principal Monies owing to him, and after Payment to such Creditor as aforesaid shall apply the Surplus, if any, of such Sum of Two hundred Pounds or Fifty Pounds, or a Portion thereof, (as the Case may require,) in or towards the Discharge of a further Portion of such Part of such Principal Monies as aforesaid as may be due to that Creditor who, by like Proposal, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so on till such Sum of Two hundred Pounds or Fifty Pounds be exhausted; and whenever Two or more Creditors entitled as aforesaid shall by like Proposal have offered to accept an equal Rate of Composition the Trustees may determine by Lot the Preference between those Creditors, or may pay the Composition rateably between them, as the Trustees think fit; and if there be no such Proposal, or if there be any Surplus of such Sum of Two hundred Pounds or Fifty Pounds, after applying the same as far as shall be necessary in or towards the Discharge of the Monies to which any such Proposals, if made, shall relate, then the Trustees may, as they think fit, apply the same, or the Surplus thereof, (as the Case may be,) rateably among the Creditors to whom Money shall be owing on Security of the Tolls of the District to the Discharge of the Debts of which such Sum of Two hundred Pounds or Fifty Pounds, or the Surplus thereof, may be applicable, or may pay the same to such of them as the Trustees determine by Lot.

Monies to remain chargeable on District to which they belong.

Tolls of each District to be laid out thereon.

Distinct Accounts to be kept.

33. All and every the Sum and Sums of Money borrowed or due on the Credit of the Tolls authorized to be taken on either of the said Two Districts of Road, except the said Sum of One thousand seven hundred Pounds by this Act extinguished, shall remain and continue chargeable on such respective District only; and no Portion of the Tolls of one District shall be expended by the Trustees in or towards the Repair of the Roads comprised in the other District, or in or upon the Management, Alteration, or Improvement of the same respectively, or upon any Expenses whatever relating or incident to the same; and distinct Accounts shall

shall be kept of the Income from and Expenditure upon and in respect of each of the said Two Districts of Road.

Power to sell Toll Houses.

34. When any of the Toll Houses belonging to the Trustees shall no longer be required for the Purposes of this Act the Trustees shall cause the same to be pulled down, and shall sell and dispose of the Materials of the same, and apply the net Proceeds arising from such Sale or Disposition as though they had been Tolls taken upon the Roads in the District whereon such Toll Houses shall have been: Provided always, that if any of such Toll Houses shall be situate on Land adjoining to the said Roads so that the same do not encroach upon the same Roads the Trustees shall first offer to sell the same and the Land whereon the same shall stand, in case such Land shall be then vested in the Trustees, to the Owner of the Frontage of the Land immediately adjoining such Toll House, and if such Person refuse to purchase the same the Trustees shall then cause the same to be pulled down as herein-before provided.

Roads not exempt from General Acts.

35. Nothing in this Act contained shall exempt the Roads from the Provisions of any existing or future General Act relating to the Consolidation or other improved Arrangements of Turnpike Roads, except so far as any Provisions of any such Act now in force are expressly varied by or are inconsistent with this Act.

SCHE-

SCHEDULE referred to in this Act.

SCHEDULE No. 1.

DEBTS SECURED BY MORTGAGES OF THE TOLLS OF THE "SUDBURY DISTRICT."

Name of Mortgagee.	Amount. £	*s.*	*d.*
Boothby, Honourable Mrs. Louisa Henrietta, Executor of	300	0	0
Boddington, Reverend Thomas Fremeaux	200	0	0
Brown, Mrs. Dorothy	100	0	0
Birch, Thomas John	100	0	0
Blair, James, Executors of	50	0	0
Clarke, Watts Wilkinson	150	0	0
Dunnett, Daniel	300	0	0
Fletcher, Mrs. Marianna	100	0	0
Gisborne, Thomas Guy	150	0	0
Gaunt, Reverend Charles and Mary his Wife	200	0	0
Hinckley, Richard Hinckley, Reverend John, and Hinckley, Arthur, the younger	100	0	0
Haworth, Mrs.	150	0	0
Lichfield, the Earl of	200	0	0
Lawley, Samuel	100	0	0
Lane, John Newton	250	0	0
Landor, Walter	550	0	0
Longden, John, Trustee of	50	0	0
Fletcher, Doctor George, Representatives of	100	0	0
Fletcher, Maria Lucretia, Representatives of	100	0	0
Patton, Elizabeth	100	0	0
Stafford Infirmary, Treasurers of	500	0	0
Worthington, William Henry	200	0	0
	£ 4,050	0	0

SCHE-

The Ashbourne, Sudbury, and Yoxall Bridge, and Uttoxeter and Callingwood Plain Turnpike Act, 1863.

SCHEDULE No. 2.

DEBTS SECURED BY MORTGAGES OF THE TOLLS OF THE "UTTOXETER DISTRICT."

Name of Mortgagee.	Amount. £	*s.*	*d.*
Anson, the Very Reverend Frederick	150	0	0
Hall, Thomas Kirkpatrick	150	0	0
Mosley, Sir Oswald, Baronet	500	0	0
Stone, John Spencer	650	0	0
Suffield, Lord, Executor of	500	0	0
Vernon, Lord	150	0	0
Yates, Harry, Representatives of	150	0	0
Worthington, William	150	0	0
	£2,400	0	0

SCHEDULE No. 3.

DEBTS SECURED BY MORTGAGES OF THE TOLLS OF THE "UTTOXETER DISTRICT" BY THIS ACT EXTINGUISHED.

Name of Mortgagee.	Amount. £	*s.*	*d.*
R. J. Harper, Esquire, as Trustee for the King's most Excellent Majesty	200	0	0
Right Honourable George Venables Lord Vernon	200	0	0
Sir Oswell Mosley, Baronet	200	0	0
Thomas Bainbrigge, Esquire	200	0	0
Reverend Hugh Bennett	200	0	0
R. J. Harper, Esquire	100	0	0
Reverend Hugh Bailye	100	0	0
Robert Harvey, Esquire	100	0	0
John Spencer, Esquire	100	0	0
Joseph Dicken, Esquire	100	0	0
Thomas Pickering, Esquire	100	0	0
James Blair, Esquire	100	0	0
	£1,700	0	0

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