ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. cl.

An Act to repeal an Act of the First Year of the Reign of King *William* the Fourth, "For consolidating the Trusts of the several Turnpike "Roads in the Neighbourhood of *Cheadle* in "the County of *Stafford,* and for making Deviations and new Branches to and from the "same;" and to make other Provisions in lieu thereof. [17th *July* 1862.]

WHEREAS an Act was passed in the First Year of King *William* the Fourth, intituled *An Act for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of* Cheadle *in the County of* Stafford, *and for making Deviations and new Branches to and from the same,* and it was thereby enacted that that Act should commence upon the First Day of *July* next after 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 for executing the said Act have proceeded to put the same into Execution, and have made the new Branch from *Quickshill* to the *Churnett Bridge* at *Rocester* therein mentioned, but it has not been found

1 W. 4. c. lxviii.

found expedient to make the other new Roads by the same Act authorized to be made: And whereas the Trustees of the said Roads have heretofore borrowed several Sums of Money on the Credit of the Tolls of the said several Roads respectively, which several Sums still remain due, and such Sums cannot be paid off or the Interest thereof discharged unless the said Term be further continued and further Powers and Provisions be made and granted: And whereas it is expedient that certain Parts of the Roads in the said Act mentioned should no longer be Turnpike Roads, namely, the Third or *Dilhorn* District therein mentioned, and also the said new Branch from *Quickshill* to *Churnett Bridge* aforesaid (which is comprised in the Fourth District therein mentioned), and that the Mortgage Debts charged upon the Tolls of the said *Dilhorn* District of the said Roads should be extinguished: And whereas it is expedient that the said Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof: And whereas the Purposes of this Act cannot be effected without the Authority of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 this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "The *Cheadle* Turnpike Roads Act, 1862."

Interpretation of Terms.

2. 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:

The Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act:

The Expression "the Road" or "the Roads" shall mean the Roads to which this Act applies:

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

The Word "District" or "Districts" shall mean the Roads included in the same respectively:

The Word "Carriage" shall include all Carriages, Coaches, Stage Coaches, Omnibuses, Vans, Caravans, Barouches, Chariots, Chaises, Curricles, Phætons, Cabs, Flies, 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

and other Vehicles by whatsoever Names known, which respectively are adapted or used for the Conveyance of heavy Articles:

The Expression "Flat Wheel" means a Wheel with a perfectly flat or level Surface throughout the whole Breadth of the Tire, and bearing equally on such flat or level Surface, with the Nails entirely countersunk, and not projecting beyond the Surface of the Tire, and the exterior Diameter of such Wheel not varying from the interior Diameter more than One Twelfth Part of the Breadth of the Tire, Sole, or Bottom of the Felly thereof.

Commencement and Term of Act.

3. This Act shall commence from and after Twelve o'Clock at Noon on the Thirty-first Day of *December* One thousand eight hundred and sixty-two, and shall continue for the Term of Twenty-one Years from that Day inclusive, and thenceforth to the End of the then next Session of Parliament.

Recited Act repealed.

4. On the Commencement of this Act the recited Act of the First Year of King *William* the Fourth is by this Act repealed, except so far as relates to the Repeal of the Acts thereby declared to be repealed, which Acts shall continue repealed in the same Manner as if this Act had not been passed.

Act to take effect and be put in execution for the Purposes herein named.

5. This Act shall commence and 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 otherwise improving the several Districts of Road herein-after described; (that is to say,)

The First District, which shall be called "The *Oakamoor* District," and shall comprise the present Turnpike Road leading from the *Newcastle* and *Uttoxeter* Turnpike Road at *Blyth Marsh* to the Turnpike Road from *Ashborn* to *Leek* at or near *Calton Moor House*, and the present Turnpike Road leading from the Road between *Cheadle* and *Leek* at *Blakeley Lane* to the Turnpike Road above *Froghall Bridge* on the West Side thereof, and from the same Road on the East Side of *Froghall Bridge* to the said Road from *Blyth Marsh* to *Calton Moor House* at or near the Place where the *Rue Hill* Toll Gate formerly stood:

The Second District, which shall be called "The *Ipstones* District," and shall comprise the present Turnpike Road leading from *Greenhill* near *Cheadle* aforesaid to *Butterton Moorend*:

The Third District, which shall be called "The *Alton* District," shall comprise the present Turnpike Road leading from *Cheadle* aforesaid to *Quickshill Bank* and the present Turnpike Road leading from *Fole Bank* to the *Churnett Bridge* at *Rocester* aforesaid:

The Fourth District, which shall be called "The *Huntley* District," and shall comprise the present Turnpike Road leading from *Wetley Rocks* to *Tean*.

6. Not-

As to Penalties under Act hereby repealed.

6. Notwithstanding the Repeal of the said Act, nothing herein contained shall extend to prevent the suing for and Recovery of any Penalty incurred or to be incurred by any Offence against any of the Provisions of the said Act previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or to be brought for such Offence, but all Penalties already incurred or which may be incurred before the said last-mentioned Day under any of the Provisions of the said Act may be sued for, and all Encroachments, Nuisances, and other Offences already made or committed or which may be made or committed before the said last-mentioned Day against any of the Provisions of the said Act, may be abated or prosecuted in the same Manner to all Intents and Purposes as if this Act had not been passed.

Property held under recited Act vested in the Trustees.

7. All Lands, Buildings, Toll Gates, Materials, Tolls, Apparatus, Books, Accounts, Deeds, Papers, Writings, and other Things, and all Choses in Action, respectively vested in or belonging to the Trustees under the recited Act, and all Rents, Arrears of Rent, and other Monies due or to become due to them, are, on the Commencement of this Act, vested in and shall belong to the Trustees.

General Saving of Rights under recited Act.

8. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Act shall be as valid as if the Repeal had not happened, and the Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the Repeal had not happened, would be incident to or consequent on any and everything so done, suffered, and confirmed respectively, and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Trustees shall to all Intents represent the Trustees under the recited Act; provided, that the Generality of this Provision shall not be restricted by any other of the Sections and Provisions of this Act.

Provisions of other Acts continued.

9. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, all the Provisions of any and every Act of Parliament (other than the recited Act) relating to the Trustees under the recited Act, and their Officers and Servants respectively, and on the Commencement of this Act in force, shall be of the like Force as if the Repeal had not happened, and may be exercised, enforced, and enjoyed by, against, and with respect to the Trustees and their Officers and Servants respectively, in as full and beneficial a Manner to all Intents as the same respectively might be exercised, enforced, and enjoyed by, against, and with respect to the Trustees under

under the recited Act, and their Officers and Servants respectively, if the recited Act were not repealed, but were continued in force during the Term of this Act.

Actions not to abate.

10. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the recited Act before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by the Repeal, but shall continue and take effect both in favour of and against the Trustees in the same Manner to all Intents as if the Repeal had not happened, save only that the Trustees shall be substituted therein for the Trustees under the recited Act.

Contracts, &c. preserved.

11. Notwithstanding the Repeal of the recited Act, but subject to the Provisions of this Act, all Purchases, Sales, Conveyances, Mortgages, Securities, and Contracts before the Commencement of this Act made under the recited Act, or with reference to the Purposes thereof, or kept in force by the recited Act, shall be as effectual to all Intents for, against, and with respect to the Trustees, as if the same had been made by, to, or with respect to the Trustees instead of the Trustees under the recited Act, or their Predecessors in the Trust, and may be proceeded on and enforced in like Manner to all Intents as if the Trustees had been party or privy thereto or referred to therein instead of the Party actually party or privy thereto or referred to therein.

Debts, &c. to be paid.

12. Notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement of this Act owed any Money to the Trustees under the recited Act, or to any Persons on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing for the same, to the Trustees, and all Monies which immediately before the Commencement of this Act were owing by or recoverable from the Trustees under the recited Act, or for the Payment of which they were or but for this Act would be liable, shall, subject to the Provisions of this Act with respect to the Reduction and Extinction of Parts thereof respectively, and otherwise, be paid, with all Interest (if any) due and payable or accruing for the same, by or recoverable from the Trustees.

Books, &c. to continue Evidence.

13. Notwithstanding the Repeal of the recited Act, all Documents, Books, and Writings thereby directed or authorized to be kept or continued receivable in Evidence, and which, if the Repeal had not happened, would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers continued.

14. Notwithstanding the Repeal of the 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 be removed from the Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties, as if he were appointed under this Act.

Trustees.

15. Her Majesty's Justices of the Peace for the Time being acting for the County of *Stafford*, together with *William Allen*, *John Adamthwaite*, *William Shepherd Allen*, *William Atkin*, *Edward Buller*, *Thomas Ball* (*Foxt*), *James Beech* (*Shaw*), *Eli Bowers*, the Reverend *Samuel Bradshaw*, *William Ball*, the Reverend *Clement Francis Broughton*, the Reverend *Walter Davenport Bromley*, the Reverend *Lewis F. Bagot*, *William Bowers*, *Thomas Burnett* (*Oncot*), *Joseph Beech*, the Reverend *Alfred Francis Boucher*, *John Beech*, *James Burnett* (*Clayton House*), *James Bamford*, *Thomas Bladon*, *James Beech* (*Blyth House*), *Alfred Sohier Bolton*, *Samuel Bennison*, *Morton Edward Buller*, *John Burnett* (*Grindon*), *Thomas Carr*, *John Cruso*, *Charles Coyney*, *George Carrington*, *Smith Child*, the Right Honourable *John* Baron *Churston*, *John Carrington*, the Honourable *Richard Cavendish*, *John Challinor*, *William Townsend Carrington*, *Richard Fallows* (*Pirehill*), *William Evans* (*Ellastone*), *Thomas William Evans*, M.P., *William Fallows* (*Booths*), *William John Fox*, the Reverend *William Fraser*, *Richard Godwin* junior, the Reverend *Thomas Goddard*, the Reverend *Henry Barwell Greenwood*, *Thomas Steel Godwin*, the Reverend *R. H. Goodacre*, *Thomas Holmes*, the Reverend *William Hutchinson*, *George Hawley*, *Thomas Howe*, *Francis Hordern*, *William Gould Hambleton*, *Edwin Heaton*, *John Huson* (*Nobut*), *Thomas Halcomb*, *Francis Hardy*, *Godfrey Johnson*, *Robert Johnson*, *Francis Johnson*, the Honourable *Edward Swynfen Parker Jervis*, *Thomas Johnson* (*Denstone*), *Thomas Clement Sneyd Kynnersley* (*High Fields*), *John Keys*, *Thomas Lovatt*, *Richard Laughton*, Reverend Sir *Christopher Lighton*, *John Bernard Locker*, *George Henry Mytton*, *Henry Mountford*, *Jacob Milner*, *William Malkin* (*Tenford*), Reverend *George Mather*, *John Malkin*, *William Mellor Meigh*, *William Nixon*, *John Wilson Patten*, *John Prince* (*Garstone*), *Bethuell Philips*, *John William Philips*, *John Capel Philips*, *Joseph Perkin*, Sir *Lionel Pilkington* Baronet, *Edward Philips*, *Simon Robinson*, *Joseph Percival Pickford Radcliffe*, the Reverend *John Sneyd*, *George Smith* (*Cauldon Grange*), *Thomas Smith* (*Whiston Eaves*), Reverend *Charles William Stocker*, D.D., *Richard Sutton* (*Cheadle*), *Thomas Harris Stirrup*, *Charles Sargison Smith*, *John Edmund Scarratt*, *Thomas Scarratt*, Reverend *Henry John Stokes*, *Charles Smith* (*Alton*), *Thomas Sillito*, *William Shemilt*, *Richard Fryer Smith*, *John Robert Stirrup*, the Right Honourable *Henry John* Earl of *Shrewsbury* and *Talbot*, *Joseph Chell Thorley*, the Reverend *John Chell Thorley*, *John Townsend*, *John Chell Thorley* junior, *John Vernon*, *William Wood*, *Thomas Weston*, Reverend *Edward*

Edward Whieldon, Reverend *Robert Watt*, *William Walters*, *Andrew Jukes Worthington*, *Adam Walters*, *Joseph Waine*, *William Young*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

First Meeting of Trustees.

16. The Trustees shall hold their First Meeting in *Cheadle* aforesaid, or at some other convenient Place on or near the Roads, on the First *Monday* next after the Commencement 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.

Power to appoint additional Trustees.

17. It shall be lawful for the Trustees from Time to Time, at any General Meeting to be held in pursuance of this Act, to elect any Number of Persons being duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for Purposes of this Act, in addition to the Trustees hereby nominated, and such Persons so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed: Provided, that in the event of any Vacancy occurring in the Body of Trustees named in this Act, such Vacancy shall be filled up by the Appointment of some duly qualified Persons residing in or as near as may be to the Parish in which the Trustee resided by whom the Vacancy was caused; provided also, that no Person shall be so elected and appointed a Trustee without Notice thereof shall have been given at the General Meeting immediately preceding the one at which the Appointment is made.

Power to appoint Committees.

18. The Trustees may from Time to Time appoint Committees out of their own Number to take the Care and Management of all or any particular Part of the Roads for the Time being under the Management of the Trustees, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as the Trustees at any Meeting may from Time to Time determine, and the Trustees may prescribe the Quorum of every such Committee, and the said Committees and the Surveyor may proceed and act according to such Appointment, but shall always be accountable to the Trustees according to the Instructions and Regulations so to be made.

Present Tolls continued for a Term.

19. Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Turnpikes to be continued 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-two, and the present Lettings of the same Tolls shall continue in force until the same Period.

20. From

Discontinuance of Part of Road.

20. From and after the Commencement of this Act, the whole of the Third or *Dilhorn* District of the Road, and also the said new Branch from *Quickshill* to the *Churnett Bridge* at *Rocester* respectively shall not be Parts of the Road within this Act, except so far as relates to the Payment of Tolls, until Twelve o'Clock at Noon on the last Day of *December* next as aforesaid, and the same several Parts hereby declared to be discontinued shall, from and after such Day, be maintained and kept in repair as a common Highway in the same Manner as Highways are or may be by Law repairable, and any Part thereof respectively passing through any District within the Limits of an Improvement Act, or through or over any extra-parochial Land, shall be maintained and kept in repair as a common Highway by the Person or Persons for the Time being liable to repair the same at Common Law, by Statute or otherwise.

Power to take Tolls.

21. From and after Twelve o'Clock at Noon on the Thirty-first Day of *December* One thousand eight hundred and sixty-two, a Sum or Sums not exceeding the respective Tolls following shall be demanded and taken at each and every Turnpike, Toll Gate, Bar, or Chain now set up and continued, as herein-after provided, or which shall hereafter be set up upon, or across, or by the Side of the Roads by this Act authorized or directed to be maintained, amended, improved, and kept in repair by each and every such Person and Persons as the said Trustees shall from Time to Time by virtue of this Act continue or appoint to receive the same, before any Horse, Beast, Cattle, or any Carriage shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Chariot, Curricle, Berlin, Phaeton, Chaise, Calash, Hearse, Gig, Chair, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage upon Three or Four Wheels, the Fellies of which are of the Breadth of Nine Inches or upwards, the Sum of Fourpence, and of the Breadth of Six Inches or more and less than Nine Inches, the Sum of Fivepence; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches, the Sum of Sevenpence Halfpenny for every such Horse or other Beast:

For every Horse or other Beast drawing any Cart, Wain, or other such like Carriage upon Two Wheels, the Fellies of which are of the Breadth of Six Inches or upwards, the Sum of Fourpence; and in case the Fellies of the Wheels thereof shall be of less Breadth than Six Inches, the Sum of Sixpence for every such Horse or other Beast:

For every such Horse or other Beast drawing any Van, Caravan, or other such Four-wheeled Carriage used for the Conveyance of Goods for Hire, Pay, or Reward, or otherwise, the Sum of Sixpence:

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

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

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

Which said Tolls, with the other Tolls herein-after authorized to be demanded and taken, shall be and the same are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after mentioned.

Tolls to be paid but once a Day.

22. In case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Mule, Ass, Beast, or other Cattle through any one of such Toll Gates, Turnpikes, or Side Gates, or Chains, such Horse, Mule, Ass, Beast, or other Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced by the Person or Persons attending or having care of the same, be permitted, except as herein-after provided, 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 Toll Gate, Turnpike, or Side Gate, or Chain, or through such other Toll Gate, Turnpike, or Side Gate, or Chain as the Ticket for such Payment shall denote to be free.

Regulating the Number of Tolls on each District.

23. Except as herein-after provided, no more than Three full Tolls shall be demanded or taken for or in respect of any Horse, Mule, Ass, Beast, or other Cart or Carriage, on that Part of the said First District which lies between *Blyth Marsh* and the Road between *Ashborn* and *Leek*, nor more than Two full Tolls on the whole of the said Second District, nor more than One full Toll on that Part of the said Third District which lies between *Cheadle* and *Quickshill Bank*, nor more than One full Toll on that Part of the same District which lies between *Fole Bank* and *Rocester* (except as after mentioned), nor more than One full Toll on that Part of the said Fourth District which lies between *Wetley Rocks* and *Cheadle*, nor more than One full Toll on that Part of the same District which lies between *Cheadle* and *Tean*, for or in respect of the same Horses or other Beasts or Cattle, at any Gate or Gates continued or erected by virtue of this Act, on the same Day, to be computed as aforesaid: Provided always, that it shall be lawful for the Trustees, if they shall think fit, from Time to Time after the Commencement of this Act, to demand and take a Toll at each and every Turnpike, Toll Gate, Bar, or Chain aforesaid, but so always that no Person or Persons shall be liable to pay more in the whole than such Person or Persons respectively would otherwise be liable to pay in case this Proviso had not been made.

Providing for the Erection and Removal of certain Toll Houses.

24. From and after the passing of this Act, and subject to the present Lettings of the Tolls, the Trustees may and shall forthwith erect or cause to be erected in some convenient Part of the Village of *Kingsley*, and at or near *Whiston Brook*, and at or near *Windy Arbour* respectively, a Toll Gate and Toll House, with proper Conveniences thereto respectively, and remove and discontinue, or cause to be removed and discontinued, the present Chain at or near *Whiston*, and the present Toll Gate at *Upper Cotton*, and it shall be lawful for the said Trustees to demand and take, at the new Toll Gate so to be erected in the Village of *Kingsley*, the full Tolls authorized by this Act: Provided, that any Horses or other Animals, Carriages or other Vehicles, which having passed through the said last-mentioned Toll Gate and proceeding thence on the *Oakamoor* or First District of Road, or leaving Goods at *Froghall Wharf*, shall be liable to pay One Third only of the full Toll at the Toll Gate at *Froghall*, but if proceeding on the *Ipstones* or Second District of Road full Tolls may be demanded and taken at the Toll Gate at *Froghall* aforesaid, and such Horses or other Animals, Carriages or other Vehicles, shall be freed from Payment of further Toll at the new Gate so to be erected at or near to *Whiston Brook* aforesaid; provided also, that for every Horse or other Beast drawing any Waggon, Cart, or other Carriage laden with any Stone, Iron, Ore, Copper, Lead, or other Minerals, except Coal, the Trustees may, subject to the Provisions in this Clause contained, demand and take a Toll not exceeding the aforesaid Rates, every First and Third Time of passing in the same Direction so laden in the same Day through any of the Toll Gates, now or hereafter erected on any Part of the *Blakeley Lane* Branch of the First District; provided further, that if at any Time during the Term hereby granted, there shall be no Toll Gate on that Portion of the said Branch between *Blakeley Lane* and *Froghall*, or on that Portion thereof between *Froghall* and *Rue Hill* respectively, it shall not be lawful for the Trustees to lay out or apply any Monies which may be in or which may come into their Hands from the Tolls on such respective Portions of Road, in maintaining or repairing the same.

Special Tolls in Second District.

25. Notwithstanding anything in this Act contained, it shall be lawful for the Trustees, if they shall think fit, from Time to Time after Twelve o'Clock at Noon on the Thirty-first Day of *December* One thousand eight hundred and sixty-two, to demand and take at each and every Turnpike, Toll Gate, Bar, and Chain aforesaid, on the said Second or *Ipstones* District, a Toll not exceeding the aforesaid Rates for every Horse or other Beast drawing any Waggon, Cart, or other Carriage laden with any Ironstone, Iron Ore, Hydrate of Iron, or other Minerals, except Coal, whether for Pay, Hire, or Reward, or otherwise, such Toll to be payable and paid every First and Third Time of passing in the same Direction so laden in the same Day along the Roads in the said Second District.

26. Not-

Special Tolls in Third District.

26. Notwithstanding anything in this Act contained, it shall be lawful for the Trustees, if they shall think fit, from Time to Time after Twelve o'Clock at Noon on the Thirty-first Day of *December* One thousand eight hundred and sixty-two, to demand and take at One of the Turnpikes, Toll Gate, Bar, and Chain aforesaid, on the Road from *Fole Bank* to *Rocester* on the said Third or *Alton* District, a Toll not exceeding the aforesaid Rates for every Horse or other Beast drawing any Waggon, Cart, or other Carriage laden with any Stone gotten from the *Hollington* Quarries or from any other Quarries, whether for Pay, Hire, or Reward, or otherwise, such Toll to be payable and paid at One of the said Gates every Time of passing in the same Direction so laden in the same Day along the Roads in the said Third District.

Horses drawing Stage Coaches to pay each Time of passing.

27. The Tolls hereby made payable for and in respect of Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, Cart, Stage Waggon, or other Carriages, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing along the Roads or any of them: Provided always, that no further or additional Tolls shall be payable or paid in respect of any Horse or other Beast drawing any Stage Coaches on account only of any Horse or Beast having been changed.

Horses drawing different Waggons every Time of passing.

28. The Tolls by this Act authorized to be taken shall be paid in respect of Horses or other Beasts drawing any laden Waggon, Wain, Dray, Cart, or such like Carriage, for every Time during the same Day that such Horse or other Beast shall pass through any Turnpike upon the Road, drawing any other laden Waggon, Wain, Dray, Cart, or such like Carriage than that which such Horse or other Beast was employed in drawing at any former Time during the same Day, and at which such Tolls shall have been paid.

One-horse Carts may be weighed.

29. And whereas it frequently happens that Carts drawn by One Horse passing along the Road carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses: Be it therefore enacted, That all Carts passing along the Roads, or any or either of them, drawn by One Horse only, shall be allowed to carry Thirty Hundredweight between the First Day of *April* and the First Day of *November* exclusive, and Twenty-five Hundredweight during the Remainder of the Year, including in each Case the Weight of such Cart, and no more; and all such Carts passing along the Roads, or any or either of them, shall and may be weighed at any Weighing Machine now erected or hereafter to be erected on the Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, Penalties, Matters, and Things now in force relating to the weighing of Carts drawn

drawn by more than One Horse shall be applicable to Carts passing on the Roads, or any or either of them, drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Postchaises, &c. to pay each Time of Hiring.

30. The Tolls hereby made payable shall be paid for or in respect of all Horses, Beasts, or Cattle let out to Hire, and drawing any Postchaise, Coach, or other Carriage, for every Time of passing along the Roads, or any of them, whenever any new Hiring thereof shall take place.

Tolls payable before passing.

31. The respective Tolls by this Act made payable shall be paid before any Horse, Mule, Ass, Beast, or other Cattle, or any Cart, Waggon, or Carriage whatsoever, upon which such Toll is by this Act imposed, shall be permitted to pass through any Turnpike, Toll Gate, Bar, or Chain which shall by virtue of this Act be in, upon, or across the Road or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

32. 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.

Agricultural Machines, &c.

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

Dilhorn Principal and all Arrears of Interest on each District extinguished.

34. All Principal Sums due and owing on the Credit of the Tolls payable on the said *Dilhorn* District, as specified in Schedule C. to this Act annexed, and all Arrears of Interest due and owing thereon respectively, and all Arrears of Interest due and owing on any other of the Principal Sums due and owing on the Credit of the Tolls payable on the said other Districts respectively up to the Commencement of this Act, shall be and are hereby extinguished.

Interest not to be paid until Expenses of Act paid.

35. No Interest shall be paid on any of the Principal Sums aforesaid 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.

36. The Trustees shall not be bound to see to the Execution of any Trust, whether expressed, implied, or constructive, to which any Money owing on the Credit of the Tolls may be subject.

Application of Monies.

37. From and after Twelve o'Clock at Noon on the Thirty-first Day of *December* One thousand eight hundred and sixty-two all Monies which shall then be in the Hands of the Trustees or which shall thereafter

after come to their Hands under or by virtue of this Act shall be applied as follows:

As to the First or *Oakamoor* District:

First, in paying and discharging, in such Proportion as herein-after provided, the Costs and Expenses of applying for, obtaining, and passing this Act, or incidental thereto:

Secondly, in defraying the Costs and Expenses attending the Management of this Portion of the Trust and the Salaries of Officers; provided that such Expenses shall not exceed in any One Year the Sum of Seventy 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 and a Half *per Centum per Annum* on the several Principal Sums mentioned in the Schedule A. to this Act annexed or upon so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the said District of Roads:

Fourthly, in paying the Expenses of maintaining and repairing the said Roads within the said District, not exceeding the Sum of Two hundred Pounds *per Annum*:

Fifthly, in reducing, paying off, and discharging, in manner herein-after provided, the several Principal Sums mentioned in the said last-mentioned Schedule or so much thereof respectively as shall for the Time being be unpaid:

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

As to the Second or *Ipstones* District:

First, in paying and discharging, in such Proportion as herein-after provided, the Costs and Expenses of applying for, obtaining, and passing this Act, or incidental thereto:

Secondly, in defraying the Costs and Expenses attending the Management of this Portion of the Trust and the Salaries of Officers; provided that such Expense shall not exceed in any One Year the Sum of Seventy 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 and a Half *per Centum per Annum* on the several Principal Sums mentioned in the Schedule B. to this Act annexed, or upon so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the said District of Roads:

Fourthly, in paying the Expenses of maintaining and repairing the said Roads within the said District, not exceeding the Sum of One hundred and fifty Pounds *per Annum*:

Fifthly, in reducing, paying off, and discharging, in manner herein-after provided, the several Principal Sums mentioned in the said last-mentioned Schedule, or so much thereof respectively as shall for the Time being be unpaid:

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

As to the Third or *Alton* District:

First, in paying and discharging, in such Proportion as herein-after provided, the Costs and Expenses of applying for, obtaining, and passing this Act, or incidental thereto:

Secondly, in defraying the Costs and Expenses attending the Management of this Portion of the Trust, and the Salaries of Officers; provided that such Expenses shall not exceed in any One Year the Sum of Seventy 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 Fifteen Shillings *per Centum per Annum* on the several Principal Sums mentioned in the Schedule D. to this Act annexed, or upon so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the said District of Roads:

Fourthly, in paying the Expenses of maintaining and repairing the said Roads within the said District, not exceeding the Sum of One hundred and Twenty Pounds *per Annum*:

Fifthly, in reducing, paying off, and discharging, in manner herein-after provided, the several Principal Sums mentioned in the said last-mentioned Schedule, or so much thereof respectively as shall for the Time being be unpaid:

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

As to the Fourth or *Huntley* District:

First, in paying and discharging, in such Proportion as herein-after provided, the Costs and Expenses of applying for, obtaining, and passing this Act, or incidental thereto:

Secondly, in defraying the Costs and Expenses attending the Management of this Portion of the Trust, and the Salaries of Officers; provided that such Expense shall not exceed in any One Year the Sum of Seventy 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 Four Pounds *per Centum per Annum*, on the several Sums mentioned in the Schedule E. to this Act annexed, or upon so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the said District of Roads:

Fourthly, in paying the Expenses of maintaining and repairing the said Roads within the said District, not exceeding the Sum of One hundred and twenty Pounds *per Annum*:

Fifthly, in reducing, paying off, and discharging, in manner herein-after provided, the several Principal Sums mentioned in the said last-mentioned Schedule, or so much thereof respectively as shall for the Time being be unpaid:

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

Trustees empowered to make Contributions from one District to another.

38. In any Case where there shall be Two or more Toll Gates at the same Point affecting more than One District, and where the entire Tolls of such Gates are collected by the Trustees or their Lessees or Collectors acting in respect of the District only, the Trustees may at any Time or Times during the Continuance of the said Term hereby granted, make such Arrangements as to Contributions in respect of Tolls from one District to another as to them shall from Time to Time seem expedient.

Mortgagee to take Possession for Arrears of Interest only.

39. Whenever and so long as the Interest at the respective Rates by this Act authorized on the said several Mortgage Debts is duly paid within Six Months after the same becomes due, no Mortgagee of the Tolls on the respective District of Road shall enter into possession of the Toll

Toll Gates thereon, or into the Receipt of the said Tolls, or of the Rent payable upon any letting of the same Tolls, or until Twenty-eight Days after Demand in Writing made by the Mortgagee on the Clerk of the Trustees for the Payment of the Interest, and Default made in Payment accordingly.

Duties of Mortgagee in possession.

40. 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 while in possession or receipt, with proper Vouchers.

Delivery up of Possession by Mortgagee.

41. If it appear by any such Account that the Interest due on his Mortgage up to the last of such half-yearly Days, and all such Costs, 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 the respective Turnpikes and Premises, and the Receipt of the respective Tolls, to the Trustees or to any Person appointed by them to receive the same.

Mode of discharging Debt.

42. Whenever the Sum applicable towards the Discharge of any of the said respective Mortgage Debts amounts to One hundred Pounds, the Trustees shall, at any General, Annual, or other Meeting, apply the Sum in Payment of Part of such respective Mortgage Debts to some Person entitled thereto, and shall, Twenty-eight Days at least before such Meeting, give Notice of the Meeting and of the Purposes thereof, so far as the same relate to the Application of such Sum, 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 the Sum or (as the Case requires) a Portion thereof towards the Discharge of a Part of such Mortgage Debt as aforesaid to the Creditor who, by Proposal in Writing transmitted to the Clerk to the Trustees before the Meeting, offered to accept the lowest Composition in respect of his Portion of such Mortgage Debt, and after Payment to that Creditor shall apply the Surplus (if any) of the Sum, or (as the Case requires) a Portion thereof, in or towards the Discharge of further Portion of the Mortgage Debt due to the Creditor who by like Proposal offered to accept the next lowest Composition in respect of his Portion of such Mortgage Debt, and so on till the Sum be exhausted, and whenever Two or more Creditors by like Proposal 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,

them, as the Trustees think fit; and if there be not any such Proposal, or if there be any Surplus of the Sum after applying the same as far as shall be necessary in or towards the Discharge of the Monies to which any such Proposals relate, then the Trustees may, as they think fit, apply the Sum, or (as the Case may be) the Surplus thereof, rateably among the Creditors to whom Money shall be owing on the Security of the Tolls of the respective District, 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.

43. All and every Sum and Sums of Money borrowed or due on the Credit of the Tolls authorized to be taken on any One of the said Four Districts of Road, shall remain and continue chargeable on such One District only.

Tolls on each District to be laid out on such District.

44. Subject to the Provisions of this Act, no more of the Tolls to arise and be collected under the Powers of this Act shall be expended by the Trustees in or towards the Repair of the Roads comprised in any One District, or in or upon the altering or improving the same respectively, than shall be collected on the Roads in such respective District.

Separate Accounts to be kept.

45. The Trustees shall cause distinct Accounts to be kept of their Income from or in respect of each of the said several Four Districts of Road, and the Income of the Trustees from or in respect of each of the said Districts shall be exclusively applied in defraying the Expenses in such Proportions as in the Judgment of the Trustees such District or Districts respectively ought to bear of the Expenses which shall have been incurred in or about applying for, preparing, obtaining, and passing this Act, or otherwise relating thereto (regard being had to the respective Lengths and Revenues of such Districts), and also in defraying the Expenses of Management, Interest, and Repairs, and other Expenses or Payments incurred on account of the respective Districts in the Order and Manner herein-before provided.

Payment of Toll on One District to prevent Payment on another.

46. Notwithstanding anything in this Act contained, it shall be lawful for the Trustees, and they are hereby authorized and empowered to order and direct that all or any Persons passing through any Gate or Chain to be continued or erected on any one of the said Districts of Road, with any Horses, Cattle, Carts, or Carriages, and paying the Toll payable at such Gate or Chain, shall be thereby freed from the Payment of all or any Part of the Toll to which such Person or Persons would otherwise have been liable on passing through any Gate or Chain on any other District.

Power to Trustees to sell Toll Houses.

47. 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

of the same and other Property vested in or belonging to them as such Trustees, and shall apply the net Proceeds arising from such Sale or Disposition in repairing, maintaining, and improving the said Roads: 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 said Roads, the Trustees shall first offer to sell the same to the Person owning 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.

Road not exempt from Provisions of General Acts.

48. Nothing in this Act contained shall exempt the Road from the Provisions of any present or future General Act relating to the Consolidation or other improved Arrangement 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.

SCHEDULES referred to in this Act.

SCHEDULE A.

Debts secured by Mortgages of the Tolls of the First or Oakamoor District.

Name of Mortgagee.	Amount. £	s.	d.
William Halcomb and Thomas Halcomb	367	0	0
Bowler, Charlotte	105	0	0
Bateman, Thomas Osborne	111	0	0
Dilhorn Churchwardens	70	0	0
Granville, Earl	233	0	0
Gilbert, John, Executors	122	0	0
Locker, George	66	0	0
Marson, Jervase, and James	360	8	0
Mytton, Henry George	717	0	0
Philips, John William	127	0	0
Pendleton, Joshua	66	12	0
Smith, John	66	0	0
Stevenson, Ralph, Executors of	356	0	0
Sparrow, John, Executors of	172	0	0
Smith, James	189	0	0
Sutton, Richard	177	0	0
Vaughan, Percy	433	0	0
Winter, Gilbert, Executors of	55	0	0
	£3,793	0	0

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The Cheadle Turnpike Roads Act, 1862.

SCHEDULE B.

Debts secured by Mortgages of the Tolls of the Second or Ipstones District.

Name of Mortgagee.	Amount. £	s.	d.
Antrobus, Edmund Edward	50	0	0
Bowers, Eli	150	0	0
Boden, Martha	50	0	0
Madocks, John Edward; Leigh, John; and Hinckley, Arthur, junior	200	0	0
Burnett, John (Grindon)	200	0	0
Burnett, James (Clayton)	100	0	0
Burnett, James (Son of William)	100	0	0
Burnett, James, New House	100	0	0
Walters, William, Checkley	100	0	0
Day, Mrs. Elizabeth	200	0	0
Godwin, Thomas Steel	300	0	0
Holmes, George, Executors of	50	0	0
Hardy, Francis	100	0	0
Williamson, John, and George	150	0	0
Johnson, Francis	100	0	0
Johnson, Robert	100	0	0
Mare, James, Executors of	200	0	0
Prince, Charles	40	0	0
Prince, Hannah	50	0	0
Stokes, Rev. Henry John	50	0	0
Townsend, Joseph, and Samuel, Executors of	100	0	0
Cope, Henry, Executors of	10	0	0
Townsend, John	50	0	0
Smith, Isaac, and Wife	13	13	4
Townsend, Elizabeth	13	13	4
Edward, Corbett	250	0	0
Ward, Louisa	50	0	0
Whieldon, William, Executors of	135	6	8
Whieldon, Benjamin	37	6	8
	£3,050	0	0

SCHEDULE C.

Debts secured by Mortgages of the Tolls of the Dilhorn District by this Act discontinued.

Name of Mortgagee.	Amount. £	s.	d.
Churston, the Right Honourable John Baron	580	0	0
Buller, Edward	580	0	0
James, John	290	0	0
James, Rupert Henry	290	0	0
	£1,740	0	0

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SCHEDULE D.

Debts secured by Mortgages of the Tolls of the Third or Alton District.

Name of Mortgagee.	Amount. £	s.	d.
Aston, Thomas, Executors of	67	10	0
Madocks, John Edward; John Leigh; and Arthur Hinckley, junior	405	0	0
Beech, James (Blythhouse)	270	0	0
Bishop, William, Executors of	135	0	0
Eddowes, Jane	675	0	0
Marson, Gervase	108	0	0
Marson, Lydia	2,565	0	0
Late John Earl of Shrewsbury, Executors of	135	0	0
Prince, Hannah	135	0	0
Tavenor, Joseph	135	0	0
Ward, Mrs. Margaret, Executors of	135	0	0
Wood, John, Executors of	135	0	0
Wood, John (Saredon Hall)	67	10	0
Vaughan, Percy	121	10	0
Ward, Julia	67	10	0
Wenman, William, Executors or Administrator of	67	10	0
	£5,224	10	0

SCHEDULE E.

Debts secured by Mortgages of the Tolls of the Fourth or Huntley District.

Name of Mortgagee.	Amount. £	s.	d.
William Halcomb and Thomas Halcomb	250	0	0
Eddowes, Jane	250	0	0
Marson, Lydia	93	15	0
Philips, William	150	0	0
	£743	15	0

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