ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxxxviii.

An Act to amend and extend the Provisions of the *Macclesfield and Buxton* Road Act, to create a Term of Twenty-one Years, and for other Purposes. [17th *June* 1852.]

WHEREAS an Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing* 1 & 2 G. 4.
the Road from Brokencross *in* Macclesfield *in the County of* Chester c. 36.
to the Turnpike Road at Buxton *in the County of* Derby, *and certain Branches of Road to communicate with the said* Macclesfield *Road, and for making a new Road from* The Waters *in* Macclesfield *to* Buxton *aforesaid:* And whereas the Term granted by the said Act, and kept up from Time to Time by divers Acts of Parliament, and lastly by "The Annual Turnpike Acts Continuance Act, 1851," passed to continue certain Turnpike Acts for limited Periods, and the Powers granted by the said Act, will have expired on the First Day of *November* One thousand eight hundred and fifty-two, unless the same be further continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, and such Money cannot be paid off unless further Powers are granted,

and unless the Term of the said Act be further continued: And whereas it is expedient that the said recited Act be repealed, and that further and more effectual Powers be granted in lieu thereof; but which Ends cannot be effected without the Authority of Parliament: May it therefore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,

Recited Act 1 & 2 G. 4. c. 36. and so much of 14 & 15 Vict. c. 37. as relates to this Road, repealed, and this Act to be put in force.

I. That upon the First Day of *September* next after the passing of this Act the said recited Act of the First and Second Years of the Reign of His Majesty King *George* the Fourth, and the said "Annual Turnpike Acts Continuance Act, 1851," so far as relates to the said Road, shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereinafter mentioned.

Monies and Property to vest in new Trustees.

II. That all Rents, Arrears of Tolls, and other Monies due to, and all Property, and all Choses in Action, vested in the Trustees under the said recited Act, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such the Trustees for executing this Act may sue for and recover the same and act in respect thereof as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, save and except such Debts and Engagements as are by this Act virtually extinguished.

Appointment of Trustees.

III. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the several Counties of *Chester* and *Derby*, together with *William Adshead*, *Thomas Allen* the elder, *Thomas Allen* the younger, *Robert Bagshaw*, *William Barnett*, *Joseph Hudson Beswick*, *Francis Beswick*, *Daniel Brinsley*, *Thomas Brocklehurst*, *Thomas Unett Brocklehurst*, *William Brocklehurst*, *Peter Browne*, *Thomas Bullock*, Reverend *William Cruttenden Cruttenden*, *Henry Davenport Dodd*, *Thomas Grimsditch*, *Matthew Gibbon*, *John Fleet*, *Philip Holland*, *Loton Holland*, *Jasper Hulley*, *Jasper Holland Hulley*, *Richard Hazlehurst*, *Frederick Lallemand*, *George Lallemand*, *Thomas Norbury*, *William Stonehewer Newbold*, *Samuel Pearson*, *William Parrott*, *Sidney Smithers*, *Thomas Swanwick*, *James Swinnerton*, *Thomas Stringer*, *Thomas Stringer* junior, Reverend *Charles Adam*, *John Smith* of *Langley*, *Richard Wright*, *John Wright* of *Field Bank*, *Thomas Itchenor Watts*, *Thomas Wildgoose*, *Anthony Wildgoose*, and *Thomas Ward*, and their Successors, being duly qualified

qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

IV. That it shall be lawful for the said Trustees from Time to Time, at any Meeting under this Act, to elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three at any One Meeting, and not exceeding Ten in the whole Number so elected, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

First Meeting of Trustees.

V. That the said Trustees shall hold their First Meeting at the *Macclesfield Arms* and Hotel in the Town of *Macclesfield* and County of *Chester*, or at some other convenient Place in the Neighbourhood of the said Roads, at Noon on the Twenty-first Day of *October* One thousand eight hundred and fifty-two, or as soon thereafter as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

VI. That the said Trustees may appoint Committees out of their own Body of not less than Three in Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General or Special Meeting; and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

VII. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from *Brokencross* in *Macclesfield* in the County of *Chester* to *Buxton* in the County of *Derby*: Provided always, that after the Expiration of Four Years from the Commencement of this Act that Part of the Road situate and being within the Limits of the Municipal Borough of *Macclesfield* shall cease to form a Part of the Road authorized by this Act to be maintained.

Present Tolls continued for a Term.

VIII. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the said Roads until the First Day of *November* One thousand eight hundred and fifty-two.

Power to take Tolls.

IX. That upon and after the First Day of *November* One thousand eight hundred and fifty-two it shall be lawful for the Trustees to demand

demand and take, at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Roads, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; that is to say,

For every Horse or other Beast, laden or unladen, and not drawing, the Sum of One Penny;

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Soles of the Fellies of the Wheels of the Breadth or Gauge of Six Inches or upwards, and not going for or laden with, or returning empty after having been laden with Lime only, the Sum of Threepence;

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Soles of the Fellies of the Wheels of the Breadth of Four Inches and less than Six Inches, and not going for or laden with, or returning empty after being laden with Lime only, the Sum of Fourpence;

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Soles of the Fellies of the Wheels of less Breadth than Four Inches, and not going for or laden with, or returning empty after having been laden with Lime only, the Sum of Sixpence;

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage going for or laden with, or returning empty after having been laden with Lime only, the Sum of Fourpence;

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

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

For every Dog drawing, the Sum of One Penny; and

For every Carriage propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Two Shillings and Sixpence:

Which said Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle, or Carriage whatsoever, shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

X. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected

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

After Four Years, Trustees not to collect Tolls within the Borough of Macclesfield.

XI. That after the Expiration of Four Years next following the Commencement of this Act the Trustees shall not collect any Toll or lay out any Money upon any Part of the Roads being within the Municipal Borough of *Macclesfield*, and that within One Calendar Month next after the Expiration of such Four Years the Trustees shall remove and be at liberty to sell all Toll Gates and Houses then being within the said Borough.

Only Half Toll for first Four Years to be taken at Brokencross Lane in any One Day.

XII. Provided also, That for the first Four Years after the Commencement of this Act Half a Toll only shall be collected and taken at the Toll Bar erected upon that Part of the said Road called *Brokencross Lane* in any One Day, to be computed as aforesaid, for any Cattle or Carriage passing through such Gate.

Limiting Number of Tolls to be payable on the Roads.

XIII. That for the first Four Years after the Commencement of this Act Two full Tolls and a Half, and no more, shall be taken, for passing and repassing on the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beast, Cattle, or other Animal or Thing liable to Toll through all the Toll Gates erected or to be erected or continued on the said Road from *Brokencross* in *Macclesfield* in the County of *Chester* to *Buxton* in the County of *Derby*, but after the Expiration of the said Term of Four Years Two full Tolls only shall be taken as aforesaid.

Persons having paid Tolls to return Toll-free.

XIV. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on any of the said Roads or on the Sides thereof shall (upon a Ticket denoting such Payment being produced) be permitted (in returning through the same Toll Gate, and in going and returning through such other Toll Gate, if any, as the Ticket for such Payment shall free) to pass Toll-free the same Day.

Postchaises, &c. to pay on fresh Hiring.

XV. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, and for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll had been made in respect of such Horses, Animals, or Cattle on the same Day.

Regulation as to Stage Coaches.

XVI. That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall (upon a Ticket denoting such Payment being produced) be permitted to pass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage, and no further or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other Toll Gate the Payment at which shall be freed by such Ticket as aforesaid on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been charged.

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

XVII. That whenever and so long as Interest at the Rate herein-after mentioned upon all existing Mortgages made under the Powers of the said recited Act shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads, except the Holder of the Preference Mortgage herein-after mentioned, shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon the letting of such Tolls; and every Mortgagee, except as aforesaid, entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay Interest at the Rate herein-after mentioned from Time to Time becoming due upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or in receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk of the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Accounts that the Interest due on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the said Trustees, or any Person appointed by them to receive the same, anything in this Act, or any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

XVIII. And

As to Amount of Principal Debt.

XVIII. And whereas there is due and owing on the Credit of the Tolls authorized to be taken by the said repealed Act the Sum of One thousand five hundred Pounds entitled to the Preference as herein-after mentioned, and also the Sum of Eleven thousand one hundred and eighty-four Pounds Fifteen Shillings and Fourpence, making together the Principal Sum of Twelve thousand six hundred and eighty-four Pounds Fifteen Shillings and Fourpence, exclusive of Arrears of Interest: Be it enacted, That from and after the passing of this Act the Sum of Twelve thousand six hundred and eighty-four Pounds Fifteen Shillings and Fourpence shall be deemed and taken to be the total Sum due and owing on the Credit of the Tolls authorized to be taken on the said Roads.

Preference Charge on Tolls.

XIX. And whereas by virtue of a certain Instrument or Agreement bearing Date the Tenth Day of *December* One thousand eight hundred and twenty-three Authority was given to borrow Two thousand Pounds on the Security of Tolls to be levied under the Act hereby repealed, and the Parties to the said Instrument or Agreement consented that the said Sum of Two thousand Pounds, with Interest to arise thereon, should have a Preference over all other Securities affecting the said Tolls: And whereas by virtue of a Mortgage Security bearing Date the Twentieth Day of *January* One thousand eight hundred and twenty-four, under the Hands and Seals of Five of the Trustees under the said Act hereby repealed, the said Tolls were, in pursuance of the said Instrument or Agreement, mortgaged to *Thomas Critchly* and *John Turner*, their Executors, Administrators, and Assigns, with such Privilege of Priority and Preference as aforesaid: And whereas there is now due in respect of the said Instrument or Agreement and Mortgage Security the Sum of One thousand five hundred Pounds, the Sum of Five hundred Pounds having been paid off: Be it therefore enacted, That the said Sum of One thousand five hundred Pounds, with Interest due or to arise thereon, shall form a prior and preferable Charge on the Tolls to be levied under this Act; and that the said *Thomas Critchly* and *John Turner*, their Executors, Administrators, and Assigns, shall have the same Rights, Priorities, Privileges, and Advantages in respect of the Tolls to be levied under this Act as they or either of them, their or either of their Executors, Administrators, or Assigns, had or might or could have had in respect of the Tolls levied or to be levied under the said Act hereby repealed.

Trustees may grant new Mortgages.

XX. That the Trustees may, if they shall think fit, make and deliver to the several Parties now entitled to the said Principal Sum of Twelve thousand six hundred and eighty-four Pounds Fifteen Shillings and Fourpence Mortgages of the Tolls authorized to be taken by this Act for securing such Proportions of the said Principal Sum

as

as may be due to each such Party; and such Mortgages, or any Assignments or Transfers thereof, may be made in the Form, as far as the same may be applicable, and in such Manner, as is directed by any Law or Statute relating to Turnpike Roads in *England*; and such Mortgages, when so granted and delivered, shall be deemed to be substituted for the same Portion of the said Principal Sum as is comprised in the existing Securities in the Hands of the several Parties, and the Expenses of and attending the granting of such Mortgages shall be paid by the Parties applying for the same.

Application of Monies.

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

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in defraying the Expenses of erecting, altering, and repairing Toll Gates and Toll Houses, and of managing the said Roads, and in paying the Clerk and Surveyors Salary, and all Law Charges (excepting Actions), such Expenses not to exceed the Sum of Forty-five Pounds *per Annum*:

Thirdly, in paying an annual Sum of Twenty Pounds *per Annum* to the *Leek* Road Trustees for the Use of a certain Portion of their Road, and Proportion of Tolls at *Axe Edge* and *Ladmanslow* Bars, and the Sum of Seven Pounds Seven Shillings and Fourpence to certain Tenants of the Earl of *Derby* for Compensation for Trespass on their Farms:

Fourthly, in paying the Principal of the before-mentioned Preference Charge of One thousand five hundred Pounds, and all Interest to become due thereon, after the Rate of Three *per Cent. per Annum*, from the Commencement of this Act:

Fifthly, in paying Interest, at the Rate of One Pound and Ten Shillings *per Centum per Annum*, upon the said Sum of Eleven thousand one hundred and eighty-four Pounds Fifteen Shillings and Fourpence, or upon such Part of the said Sum as shall for the Time being remain unsatisfied:

Sixthly, in reducing, paying off, and discharging the said Principal Sum of Eleven thousand one hundred and eighty-four Pounds Fifteen Shillings and Fourpence, or such Part thereof as shall for the Time being remain unsatisfied:

Seventhly, in repairing, maintaining, and improving the said Roads.

As to the Mode of discharging Debt.

XXII. That when and so often as the Sum applicable to the Discharge of the said Sum of Eleven thousand one hundred and eighty-four Pounds Fifteen Shillings and Fourpence shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any general annual

annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Sum of Eleven thousand one hundred and eighty-four Pounds Fifteen Shillings and Fourpence to the Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same relate to the Application of such Sum of Two hundred Pounds, either by Letter to the Parties entitled, or in some Newspaper published in the Counties of *Chester* and *Derby* aforesaid, or if there shall be no Newspaper published therein, then in some Newspaper published in any adjoining County; and at such Meeting the Trustees shall apply such last-mentioned Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the said Tolls, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Sum of Eleven thousand one hundred and eighty-four Pounds Fifteen Shillings and Fourpence, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum of Two hundred Pounds, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Monies owing on the Security of the said Tolls, to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall have been exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

No more Money to be borrowed.

XXIII. That no more Money shall be borrowed on the Credit of the Tolls arising on the said Roads.

As to a Payment of 20*l.* per Annum to Trustees acting under Act herein recited.

XXIV. Whereas the Trustees acting in the Execution of an Act of Parliament, intituled *An Act for repairing the Road from* Leek *in the County of* Stafford *to* Hassop, *and from* Middlehills *to the* Macclesfield *Turnpike Road near* Buxton *in the County of* Derby, *and certain Branches of Road communicating therewith*, are empowered and

and directed to lease, for the Term created by the said Act, all such Tolls as they would be entitled to receive at a certain Toll Bar on their said Road called *Ladmanslow* Bar, from all Persons, Cattle, and Carriages, of what Nature or Kind soever, travelling on the *Congleton and Macclesfield* Roads, and coming upon the said first-named Roads at *Axe Edge*, to the said Trustees, for a Sum of Twenty Pounds *per Annum*, and it is by the said first-named Act further enacted, that the Trustees of the said first-named Roads shall keep in proper Repair so much of the said first-named Road as lies between the said Toll Bar called *Ladmanslow* Bar and a Place called *Otter Hole*, belonging to his Grace the Duke of *Devonshire*: Be it therefore enacted, That the said Trustees shall pay to the Trustees acting in the Execution of the said first-named Act a clear Sum of Twenty Pounds *per Annum* for all the Tolls that they would be entitled to receive at *Ladmanslow* Bar from all Persons, Cattle, and Carriages, of what Nature or Kind soever, travelling on the *Congleton and Macclesfield* Roads, and coming upon the said first-named Roads at *Axe Edge* aforesaid.

Arrangement with Leek Road Trustees as to Tolls.

XXV. That no Toll shall be taken or demanded by virtue of this Act for any Horse, Cattle, Beast, or Carriage, of any Nature or Kind whatsoever, passing along such Part of the said Roads, and also along such Part of certain Roads called the *Leek and Buxton* Roads, as respectively lie between *Buxton* aforesaid and a certain Point called *Axe Edge*, being the Junction of the said Roads with the said *Leek and Buxton* Roads, except at a certain Toll Gate on the *Leek and Buxton* Roads called the *Ladmanslow* Toll Bar, and also except at any Side Bars or Gates on the North-east Side of the said Roads lying between the Junction at *Axe Edge* aforesaid and the Bridge across the Watercourse at or near a certain Place called *Otter Hole* near *Buxton* aforesaid.

Term of Act.

XXVI. That this Act shall commence on the First Day of *September* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Interpretation of Terms.

XXVII. That 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 Word "Person" shall be understood to include the Word "Corporation:"

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

The

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

The Expression "Toll Gate" or "Toll Gates" shall include Turnpikes, Bars, and Chains.

Short Title.

XXVIII. That in citing this Act in other Acts of Parliament and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Macclesfield and Buxton* Turnpike Road Act, 1852."

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