ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. cxlvii.

An Act to repeal the Act relating to the *Nantwich and Woore* Turnpike Road, and to make other Provisions in lieu thereof. [4th *August* 1853.]

WHEREAS an Act was passed in the Fifth Year of the Reign of King *George* the Fourth, for improving and keeping in repair the Road from the End of the County of *Stafford* to the City of *Chester* lying betwixt the End of the said County of *Stafford* and One hundred Yards of the East End of a certain Smithy called *Duddon Smithy* in *Clotton* in the said County of *Chester:* And whereas the Powers of the said Act have been put in force in and over the said Roads, and considerable Sums of Money have been borrowed and are still due and owing upon the Credit of the Tolls levied in or upon the said Roads: And whereas it is expedient that the Powers and Provisions of the said Act should be altered and repealed, and more effectual Provisions made in lieu thereof, and that the Term created by the said Act should be extended in manner herein-after mentioned; but the same cannot be effected without the Authority of Parliament: May it therefore please

5 G. 4. c. xxxvi.

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Recited Act repealed.

I. That upon the Thirtieth Day of *October* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

Bonds, &c. under the recited Act to be good under this Act.

II. That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Act, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are or shall be fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Act, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and shall be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

Short Title.

III. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Nantwich and Woore* Road Act, 1853."

Roads to which this Act is applicable.

IV. That this Act shall be put into execution for the Purpose of more effectually maintaining, keeping in repair, and improving the present Turnpike Road from the End of the County of *Stafford* in the Post Road towards the City of *Chester*, through *Woore* in the County of *Salop*, to *Nantwich* in the said County of *Chester*, and from *Nantwich* aforesaid to *Tarporley* in the said County of *Chester*, and from thence to within One hundred Yards of the East End of a certain Smithy called *Duddon Smithy* in *Clotton* in the said County of *Chester*.

Monies and Property to vest in the new Trustees.

V. That all Monies due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to the Trustees under the said recited Act, shall be immediately on the Commencement of this Act vested in and belong to the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as

as effectually as if the same had been vested in and belonged to 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, except such of the same Debts and Engagements as are by this Act extinguished.

Appointment of new Trustees.

VI. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the County of *Chester*, together with *John Barker* Esquire, *Joseph Betteley* Esquire, *Thomas Bower* Esquire, *Edward Delves Broughton* Esquire, *Owen Lunt* Esquire, *Charles John Mare* Esquire, Reverend *Francis Storr*, Reverend *Andrew Chaytor*, *Samuel Acton* Esquire, Major General *Egerton*, Reverend *Richard Statham*, *Richard Done* Esquire, *Joseph Woolf* Esquire, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

VII. 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 in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

VIII. That the said Trustees shall hold their First Meeting at the *Crown* Inn in *Nantwich* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the Third Day of *November* One thousand eight hundred and fifty-three, between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, 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 Road, as they shall think proper.

Power to appoint Committees.

IX. That the said Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Road, or 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 Meeting, and the said Committees and the Surveyor may proceed to act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Present Tolls continued for a Term.

X. That notwithstanding the Repeal of the said recited Act the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on

or

or on the Sides of the said Road until the Seventh Day of *November* One thousand eight hundred and fifty-three.

Power to take Tolls.

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

Tolls.

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

For every Horse or Beast of Draught drawing any Waggon or other Four-wheeled Carriage with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, the Sum of Fourpence Halfpenny:

For every Horse or Beast of Draught drawing any Waggon, Wain, or other such Four-wheeled Carriage with Wheels of the Breadth of Six Inches as aforesaid or upwards, and under Nine Inches, the Sum of Fivepence Halfpenny:

For every Horse or Beast of Draught drawing any Waggon or other such Four-wheeled Carriage with any of the Wheels of less Breadth as aforesaid than Six Inches, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Cart or other Two-wheeled Carriage with Wheels of the Breadth as aforesaid of Nine Inches, the Sum of Threepence:

For every Horse or Beast of Draught drawing any Cart or other Two-wheeled Carriage with Wheels of the Breadth as aforesaid of Six Inches, the Sum of Threepence Halfpenny:

For every Horse or Beast of Draught drawing any Cart or other such Carriage with Wheels of less Breadth as aforesaid than Six Inches but not less than Four and a Half Inches, the Sum of Fourpence Halfpenny:

For every Horse or Beast of Draught drawing any Cart or other such Carriage with Wheels of less Breadth as aforesaid than Four and a Half Inches, the Sum of Sixpence:

For every Horse or other Beast drawing any laden Stone or Timber Carriage of any Description, the Sum of Ninepence:

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

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: And,

For

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

For every Ass not drawing, and Dog, Goat, or other Animal not herein-before provided for, drawing any Carriage, the Sum of One Penny:

For every Carriage moved or propelled by Steam or Machinery, or by any Power other than Human or Animal Power, One Shilling *per* Wheel:

And the said respective Tolls shall, subject to the Restrictions in this Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Road or on the Sides thereof, by virtue of this Act.

As to the Fraction of a Halfpenny in Tolls.

XII. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Toll by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Only Two full Tolls to be taken.

XIII. That no more than Two full Tolls shall be taken for passing or repassing on the same Day with the same Horse, Beast, Cattle, or Carriage, or other Animal or Thing liable to Toll, through all the Toll Gates erected or to be erected on the said Road, and one of such Tolls shall be taken upon and in respect of that Division of the said Roads which lies to the North-west, and the other of such Tolls upon and in respect of that Division which lies to the South-east of the Town of *Nantwich* respectively.

Persons having paid Toll to return free.

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

Postchaises, &c. to pay every fresh Hiring.

XV. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire for every Time of passing and repassing

repassing along the said Road on the same Day, with a Ticket denoting a fresh Hiring, in the same Manner as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Stage Coaches, &c. each Time of passing.

XVI. That all Horses or other Beasts of Draught drawing any Stage Coach, or any Omnibus, Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Toll Gate, shall be again chargeable with Toll for repassing through such Toll Gate, in like Manner as if no Toll had been before paid thereat.

Regulations as to Stage Coaches.

XVII. That all Horses and Cattle drawing any Stage Coach, Omnibus, 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 changed.

Horses, &c. drawing different Waggons, &c.

XVIII. Provided also, That the said Tolls shall be payable at each and every Toll Gate belonging to the Trustees in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or such like Carriage, for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any of the Toll Gates of the Trustees drawing any other laden Waggon, Wain, Cart, Van, Caravan, or such like Carriage than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day, and on which Tolls shall have been paid.

Respecting Toll Gates.

XIX. That the several Toll Gates and Toll Houses now standing and being upon the said Road or on the Sides thereof shall be continued until removed by any Order of the said Trustees, and it shall be lawful for the said Trustees, in the Manner prescribed in the Fifth Section of an Act passed in the Ninth Year of the Reign of King
9 G. 4. c. 77. *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up in or across the said Road

Road or on the Sides thereof any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House now standing or being upon the said Road or on the Sides thereof; and all the Provisions of this Act with regard to any Toll Gates or Toll Houses now standing or being upon the said Road or on the Sides thereof shall apply to any Toll Gate or Toll House to be erected or set up in or across the said Road or on the Sides thereof.

Extinguishing Arrears of Interest.

XX. That all Arrears of Interest now due for or in respect of the Principal Sum of One thousand three hundred and ten Pounds, now due and owing upon the said Roads, shall be and the same are hereby extinguished; provided also, that no Interest shall accrue upon the said Principal Sum for the Time being due and owing upon the Credit of the Tolls until the Expenses of obtaining and passing this Act shall have been satisfied and discharged.

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 necessary Expenses of Management of the said Roads, not exceeding Ninety Pounds *per Annum*, including Salaries of Officers, repairing Toll Houses and Toll Gates, and incidental Expenses, but exclusive of Salaries of Toll Collectors, and prosecuting and defending Actions at Law:

Thirdly, in paying the Expenses of maintaining and keeping the said Road in repair, not exceeding in any One Year the Sum of Four hundred Pounds:

Fourthly, in paying Interest at the Rate of Three Pounds *per Centum per Annum* upon the Principal Sum of One thousand three hundred and ten Pounds, or other the Principal Sum for the Time being due and owing upon the Credit of the Tolls authorized to be taken on the said Roads:

Fifthly, in reducing, paying off, and discharging, in manner hereinafter mentioned, the said Principal Sums for the Time being owing in respect of the Monies borrowed on the Credit of the Tolls authorized to be taken on the said Road:

Sixthly, in maintaining, keeping in repair, and improving the said Road, and in putting this Act into execution with reference thereto.

Mortgagees not to take possession but for Payment of Interest.

XXII. That whenever and as long as the Interest upon all existing Mortgages made under the Powers of the said recited Act shall be duly paid, at the Rate herein-before mentioned, within One Calendar Month

Month next after the same shall have become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from to Time becoming due at the Rate herein-before mentioned upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk or Clerks 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 Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his 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 in any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

As to Mode of discharging Debt.

XXIII. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to Persons entitled thereto, and shall 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, such Notice to be by Circular addressed to each Creditor at his usual or last-named Place of Abode, and sent by Post Twenty-eight Days at least before such General Annual or other Meeting, and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk or Clerks of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies,

Monies, and after Payment to such Creditors as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of other Monies owing on the Security of the said Tolls to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which 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 Money to be laid out or taken in Towns.

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

No more Money to be borrowed on the Tolls.

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

Road not exempted from Provisions of General Act.

XXVI. That nothing herein contained shall be deemed to exempt the said Road from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Commencement and Term of Act.

XXVII. That, except as herein-before provided, this Act shall commence on the Thirtieth Day of *October* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall next follow.

Interpretation of Terms.

XXVIII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be

be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall be understood to include Corporation:

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

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

The Word "Toll-gates" or "Toll-gate" shall include Turnpikes, Bars, Chains, and Side Gates.

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