ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. lxxxv.

An Act for more effectually repairing the Road from *Stockport* in the County Palatine of *Chester* to *Marple Bridge* in the said County; and a Branch from the said Road to or near *Thornset Gate* in the County of *Derby*. [17th *June* 1852.]

WHEREAS an Act was passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from the Old Bridge in the Town of* Stockport *in the County Palatine of* Chester *to or near* Marple Bridge *in the said County, and a Branch from the said Road, near* Marple Bridge *aforesaid, to or near* Thornset Gate *in the County of* Derby: And whereas the Term granted by the said Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight 3 G. 4. c. 8.

hundred and fifty-two: And whereas considerable Sums of Money are due and owing upon the Credit of the Tolls authorized to be taken by the recited Act, which Money cannot be paid off and the Interest thereof discharged unless further Powers are granted, and the Term of the said Act be further continued: And whereas it is expedient that the recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof for the Management and Regulation of the Affairs of the said Roads; but the Purposes aforesaid cannot be effected without the Aid and 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Recited Act repealed, and this Act to be put in force.

I. That upon the Commencement of this Act the recited Act of the Third Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Monies and Property vested in new Trustees.

II. That all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in, the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as fully and effectually as if the same had been vested in them under the said Act hereby repealed, and they shall be liable to all the Debts and Engagements to which the Trustees acting under the said Act were liable at the Time of the Repeal thereof, except as is herein-after provided.

Construction of Terms.

III. 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,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

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

The Expression "the Trustees" shall mean the Trustees for the Time being acting in execution of this Act:

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

The Expression "Turnpike" shall include Toll Gate, Bar, and Chain.

IV. That

IV. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Stockport and Marple* Roads Act, 1852." Short Title.

V. That all Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Chester* and for the County of *Derby* respectively, or either of them, together with *Frederick Arkwright*, *Alfred Arkwright*, *James Arkwright*, *Samuel Bann*, *John Barnes*, *Thomas Barnes*, *James Beard* Clerk, *Joseph Bennett*, *Richard Bennett*, *David Shaw Clayton*, *Thomas Briggs Dickson* Clerk, *George Drinkwater*, *Aaron Eccles*, *James Ingham*, *John Henry Bradshaw Isherwood*, *Arthur Salusbury Bradshaw Isherwood*, *William Johnson*, *Jonathan Jowett*, *Thomas Hyde Marriott*, *Joshua Marriott*, *John Moult*, *Thomas Orford*, *Peter Pownall*, *Daniel Shaw*, *Thomas Shaw*, *James Shepley*, *Leigh Slater*, *James Sidebottom*, *George Turner*, Doctor of Medicine, *John Taylor*, *William Henry Turner*, *John Vaughan*, *Thomas Walmsley*, *Henry Walters*, and *George Bancroft Withington*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution. Appointment of Trustees.

VI. That it shall be lawful for the Trustees at any Meeting 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 respective Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed. Power to appoint additional Trustees.

VII. That the Trustees shall hold their First Meeting at the House known by the Name of the *Wright's Arms* in the Township of *Offerton*, or at some other convenient Place in the said Township, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed to the Execution of this Act, and the Trustees may from Time to Time adjourn themselves to meet at such Time and Place upon or near the Roads as they shall think proper. First Meeting of Trustees.

VIII. That the Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting; and the said Committees and their Surveyors may proceed to act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made. Power to appoint Committees.

IX. That

Purposes of the Act.

IX. That this Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of maintaining, improving, and keeping in repair the Roads herein-after mentioned; (that is to say,) the Road from the Boundary Line of the Borough of *Stockport* where such Line crosses the said Road near *Hempshaw Lane* in such Borough, passing from thence through or into the several Townships of *Offerton*, *Torkington*, and *Marple* to or near *Marple Bridge* in the said County Palatine of *Chester*, and also a Branch Road from the said Road at *Marple* aforesaid through or into the Township of *Disley* in the said last-mentioned County, and the several Hamlets, Villages, or Places of *New Mills*, *Whitle*, and *Thornset* to or near *Thornset Gate* in the County of *Derby*.

Present Tolls to continue for a Time.

X. That, notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and now payable shall continue to be paid at the Turnpikes 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.

XI. That upon and after the said First Day of *November* One thousand eight hundred and fifty-two it shall be lawful for the Trustees to demand and take at the several Turnpikes which now are or shall hereafter be upon or on the Sides of such Roads such Tolls as the Trustees may direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse or other Beast of Burden drawing any Coach, Chariot, Chaise, Hearse, Gig, Taxed Cart, Market Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse or other Beast of Burden drawing any Waggon, Cart, Caravan, Truck, or other such like Carriage, the Breadth of the Wheels whereof shall be less than Six Inches, the Sum of Sevenpence; and where the Breadth of such Wheels shall be Six Inches and upwards, the Sum of Sixpence:

For every Dog drawing any Cart or other Carriage whatever, the Sum of One Penny:

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

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling and Eightpence *per* Score, and so in proportion for any greater or less Number:

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

For every Carriage not drawn by any Horse or Beast of Draught, but propelled by Machinery or otherwise, the Sum of Two Shillings and Sixpence;

Which said Tolls shall be paid before any Horse, Beast, Dog, Cattle, or Carriage whatsoever in respect of which a Toll is payable shall be permitted or authorized to pass through any of the Turnpikes which shall be by virtue of this Act upon or across such Roads, or on the Side thereof.

As to the fractional Part of a Halfpenny in Tolls.

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

One-horse Carts may be weighed.

XIII. And whereas it may happen that Carts drawn by One Horse passing upon and along the Roads carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses: Be it enacted, That all Carts passing along the Roads drawn by One Horse only shall and may be weighed at any Weighing Machine erected on the Roads; and in case the Trustees shall so order and direct, the like additional Sums or Tolls as are payable by virtue of any Law or Statute in force for the Overweight of any Waggon, Cart, or other Carriage, and the Loading thereon, shall and may be demanded and taken by the Trustees or their Collector in respect of Carts drawn by One Horse only, and which, with the Loading thereon, shall exceed the Weights allowed by Law for Carts drawn by Two or more Horses, and in such Case all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts passing on the Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Persons having paid the Tolls, to return Toll-free.

XIV. That no Toll shall be demanded or taken for or in respect of any Horse or other Beast, or for or in respect of any Waggon, Cart, or other Carriage propelled by Machinery, in respect whereof the Toll by this Act authorized to be taken shall have been paid at any of the Turnpikes on the Roads, upon a Note or Ticket denoting such Payment being produced, for returning or repassing once on the same Day through the same Turnpike at which such Toll shall have been paid, and also through any other Turnpike which such Ticket shall free, unless in the Case of such Horse or other Beast drawing a Waggon, Cart, or other Carriage, or of a Waggon, Cart, or other Carriage propelled by Machinery, laden with the Weight of Five Hundredweight or upwards, of One hundred and twelve Pounds to the Hundredweight, in which excepted Case full Toll shall be paid on returning or repassing, and except as herein-after mentioned.

Limiting the Number of Tolls to be taken on the same Day.

XV. That no more than Three full Tolls shall be demanded or taken on the same Day on the Roads for or in respect of the passing and repassing of the same Horse, Beast, Cattle, or Carriage through all the Turnpikes to be erected upon the same, any or either of them (except as herein-after mentioned), but on a Note or Ticket being produced denoting such Payment the same Horse, Beast, Cattle, or Carriage shall be permitted to pass and repass Toll-free through all such Turnpikes.

Milk to pay only once a Day.

XVI. That no Person shall be subject to the Payment of Toll more than once on the same Day for the passing of any Horse or other Beast laden with Milk, Whey, Buttermilk, or Curds, or with the empty Vessels in which such Milk, Whey, Buttermilk, or Curds shall have been conveyed.

Regulations as to Stage Coaches, &c.

XVII. That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Turnpike, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Turnpike which such Ticket would free in 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 Turnpike, 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.

Postchaises to pay on every fresh Hiring.

XVIII. Provided always, That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, whether laden or unladen, or drawing or not drawing, 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 in respect of such Horses or Cattle had been made on the same Day.

No Money to be laid out or taken in Towns.

XIX. That no Money shall be laid out on any Road comprised in this Act within Six hundred Yards of the Bridge in the Village of *New Mills*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected within the same Limits.

XX. That

Application of Tolls.

XX. That all Monies in the Hands of the Trustees, and all Monies which shall be received by them by virtue of this Act, shall be applied as follows; (that is to say,)

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

Secondly, in paying the Expense of erecting, providing, and keeping in repair the Turnpikes, Toll Houses, and their Appurtenances upon the Roads, and in paying the Officers to be employed in the Execution of this Act, and the Management of the Affairs of the Trust; but the Amount so applied shall not exceed the Sum of One hundred and ten Pounds during the First Year after the Commencement of this Act, nor the Sum of Fifty Pounds in any subsequent Year, exclusive of the Wages of Toll-gate Keepers in case the Tolls should not be let, and Expenses of Actions at Law or Indictments:

Thirdly, in paying the Sum of One hundred Pounds to the Rector of *Stockport* in respect of Land purchased from him for the Formation of the Road:

Fourthly, in paying and discharging Interest after the Rate of Two Pounds *per Centum per Annum* upon the Principal Sum of Eleven thousand one hundred and forty Pounds Two Shillings and Fivepence Halfpenny to the several Persons for the Time being entitled to the respective Principal Sums of Money secured on the Credit of the Tolls authorized to be taken by the recited Act hereby repealed, or upon such Part of such Principal Sums as shall for the Time being remain due and owing, such Interest to commence from the Time of the Payment of the Expenses of obtaining and passing this Act:

Fifthly, in reducing, paying off, and discharging in manner hereinafter mentioned the said Principal Sums:

Lastly, in paying the Expenses of improving, maintaining, altering, diverting, widening, and keeping in repair the Roads.

For appropriating the Sum of 200*l.* in discharging Securities on the Tolls.

XXI. That when any Sum of Money amounting to the Sum of Two hundred Pounds shall be in the Hands of the Trustees, applicable to the Discharge of the Principal Monies due and owing upon the Credit of the Tolls by this Act granted, it shall be lawful for the Trustees and they are hereby required to pay such Sums of Money as shall or may be agreed to be accepted by any Person being a Creditor on the Tolls as a Composition on and in satisfaction of his Security to the Amount of Two hundred Pounds according to the Stipulation after mentioned; (that is to say,) the Trustees shall, Twenty-one Days at least before the next General Meeting, cause public Notice to be given in some One or more Newspaper or Newspapers circulated in the Counties

Counties of *Chester* and *Derby*, or Notice in Writing to be sent by Post to each Mortgagee, or his Agent, directed to his last known Place of Abode, at least Fourteen Days before such Meeting, that a Composition will be paid to the Amount of Two hundred Pounds to such Creditor on the said Tolls as shall be willing to accept the smallest Composition for his Security, and requiring such Creditors to transmit Proposals in Writing, sealed up, to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor will accept and take for each and every such Security of which he may be possessed, due and owing on such Tolls (which said Proposals shall, as soon after the Hour of One of the Clock in the Afternoon of the Day of the said Meeting as convenient, be publicly opened by the Clerk to the Trustees at the said Meeting), and the Creditor whose Proposal shall specify the lowest Rate *per Centum* which he will accept and take for all or any of the said Securities, or for any Portion of any Securities, shall have the Preference, and be paid such Sum of Money as he may be willing to accept for the same (if the Amount due upon such Security shall not exceed the Amount of the Sinking Fund to be disposed of, or if the Amount due thereon shall exceed the Amount of such disposable Sinking Fund, then such Portion of the same as that Sum shall extend to satisfy,) by the Treasurer to the Trustees at the Expiration of One Calendar Month next after such Meeting, with all Interest then due for the same; and if Two or more of the said Creditors shall deliver in Proposals at the same Meeting for accepting a Composition for any Security at an equal Rate *per Centum*, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the Clerk to the Trustees, to which of the said Creditors Preference shall be given in Payment of such Composition, and the Creditor having the Casting Lot shall be paid his Composition, or such Part of the same as the Sum to be disposed of will extend to satisfy, at the Time and in the Manner herein-before mentioned; but if there shall not be any Proposals delivered in at any such Meeting by any of the Creditors for accepting any such Composition as aforesaid to the Amount to be disposed of, or any Part of that Sum, at a less Rate than the full Amount of the Principal Monies due to him on the said Tolls, then and in such Case, but not otherwise, the Trustees shall and may and they are hereby required to cause the Numbers of the respective Securities, with the several Sums for which they are given, to be separately set down in Writing, and put together in a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Numbers of so many of the said Securities as shall be equal in Value or Amount to the Sum so set apart and intended to be paid off, and in One Calendar Month next after such Numbers shall be respectively drawn the

Treasurer

Treasurer to the Trustees shall pay to the Person who shall be entitled to the respective Securities the Numbers of which shall be drawn as aforesaid, or to the Trustee or Guardian of such of the Persons so entitled as shall be under Age, such Sum of Money as shall be due by virtue thereof, which they are hereby required to accept and take accordingly in discharge of such Securities, or of such Part of the same as shall be thereby satisfied and paid.

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

XXII. That whenever and so long as the Interest, at the Rate herein-before mentioned, upon all existing Mortgages of the Tolls by this Act granted, shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of such Tolls shall be entitled to enter into possession of the Turnpikes, Toll Houses, or Buildings upon the said Roads, 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 Turnpikes, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time 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 to the 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 Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the Turnpikes, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the 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.

Money not to be borrowed.

XXIII. That it shall not be lawful for the Trustees to borrow any Money on the Credit of the Tolls collected and received by virtue of this Act, in addition to the Monies due and owing on the Credit of the same.

Roads not exempt from Provisions of future General Act.

XXIV. That nothing herein contained shall be deemed to exempt the Roads comprised in this Act 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.

Term of Act.

XXV. That this Act shall commence on the First 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 then next follow.

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