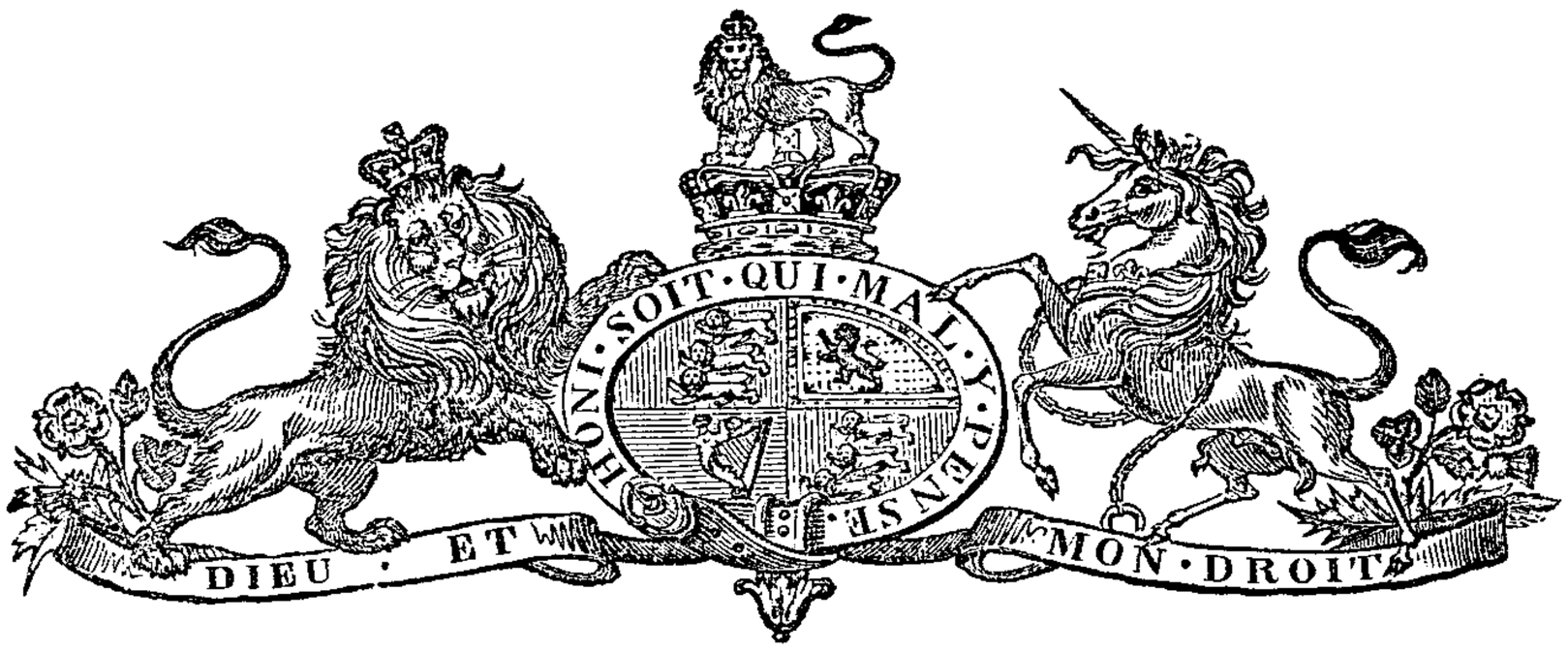


ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

Cap. lxvi.

An Act for more effectually repairing certain Roads in the County of *Chester*, of which the Short Title is "*Stockport and Warrington* Road Act, 1856." [30th *June* 1856.]

WHEREAS an Act was passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from or nearly from the Town of* Stockport *in the County Palatine of* Chester *to or near unto the Town of* Warrington *in the County Palatine of* Lancaster, *and a Branch of Road to communicate therewith:* And whereas the Term granted by the recited 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 hundred and fifty-six unless the same be further continued: And whereas considerable Sums of Money are now due and owing upon the Credit of the Tolls authorized to be collected by the recited Act; (that is to say,) upon the Credit of the Tolls authorized to be collected upon the Roads mentioned and described in such Act, (except on the Branch Road leading from such Road on *Cheadle Moor* to the Road leading from *Stockport* to *Buxton*, 1 G. 4. c. xxviii.

in this Act called the Branch Road,) the Sum of Two thousand five hundred and ninety Pounds, and upon the Credit of the Tolls authorized to be collected upon the Branch Road the Sum of Two thousand four hundred and eighty-one Pounds and Seven Shillings: And whereas it is expedient that the recited Act should be repealed, and further and more effectual Powers granted in lieu thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please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.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Stockport and Warrington* Road Act, 1856."

Recited Act repealed, and this Act to be put in force.

II. Upon the Commencement of this Act the recited Act passed in the First Year of the Reign of His Majesty King *George* the Fourth is hereby repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Construction of Terms.

III. In the Construction of this Act the following Words and Expressions 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 include Corporation:

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

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

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

Moneys and Property vested in Trustees.

IV. All Rents, Arrears of Tolls, and other Moneys due to, and all Moneys, Property, and all Choses in Action vested in the Trustees under the Act hereby repealed, shall, 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 Act hereby repealed, and they shall be liable to all the Debts and Engagements to which the Trustees for executing the recited Act were liable at the Time of the Repeal thereof, except such as are altered, reduced, or extinguished by this Act.

V. All

Appointment of Trustees.

V. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Chester*, together with *Samuel Barratt*, *Henry John Baxter*, *Thomas Baxter*, *David Bellhouse*, *Benjamin Bagnall*, *Richard Broadbent*, *John Broadbent*, *William Broadbent*, *Charles Broadbent*, *William Brigham*, *Jeremiah Bower*, *Benjamin Bower*, *Charles James Cummings*, *George Chesworth Burgess*, *Samuel Brooks*, *William Cunliffe Brooks*, *Joseph Bruckshaw*, Sir *John Chetwode* Baronet, *John Clegg*, *William Dodge Cooper Cooper*, *Lindsey Cooper Cooper*, *George Charnley Dewhurst*, *William Evans*, *William Tatton Egerton*, *John Farmer*, *John Wilson Fox*, *John Fernihough*, *Robert Gee*, *William Hoskin Harper*, *Edmund Howarth*, *Peter Hartley*, *Henry Harrison*, *Isaac Worthington Harrop*, *Robert Harrop*, *Richard Helsby*, *George Heron* Clerk, *Henry Heron*, *Edward Joynson*, *Joseph Johnson*, *William Jowett*, *Thomas Kendall*, *Thomas Knight*, *Richard Lane*, *George Cornwall Legh*, *James Leigh*, *Egerton Leigh*, *Edward Trafford Leigh*, *Peter Leicester*, *Robert Leicester* Clerk, *Thomas Lyon*, *Henry Mainwaring Mainwaring*, *George Mallory* Clerk, *Edward Marsland*, *Thomas Marsden*, *William Neild*, *James Newton*, *William Devereux Nicholls*, *William Nicholson*, *James Nicholson*, *Charles Poppleton*, *Charles Kenrick Prescot* Clerk, *John Pownall*, *George Peel*, *George Chapman Peel*, *Thomas Assheton Smith*, *Edmund Sykes*, *Richard Sykes*, *Edmund Howard Sykes*, *Thomas Hardcastle Sykes*, *William Stelfox*, *James Stanton*, *Thomas William Tatton*, *Trafford Trafford*, *Richard Leigh Trafford*, *James Watts*, *Ibotson Walker*, *Thomas Worthington*, *Robert Worthington*, *John Arthur Worthington*, *James Worthington*, 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.

Power to appoint additional Trustees.

VI. The Trustees may from Time to Time at any of their Meetings 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 executing this Act, in addition to the Trustees hereby appointed; 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.

VII. The Trustees shall hold their First Meeting at the *Unicorn* Inn in the Town of *Altrincham*, or at some other convenient Place on or near the Roads, upon the Second *Wednesday* after the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act; and the Trustees may from Time to Time adjourn themselves to meet at such Times and Places upon or near to the Roads as they shall think proper.

VIII. The

Roads to which this Act is applicable.

VIII. The Trustees shall from Time to Time repair, amend, improve, and keep in repair the Road from the Boundary of the Borough of *Stockport*, at or near *Brinksway*, to its Junction with the Turnpike Road leading from *Manchester* to *Wilmslow* at *Cheadle*, and the Road from the same Turnpike Road nearly opposite to the Parish Church of *Cheadle* to the Turnpike Road leading from *Crossford Bridge* to *Altrincham*, at the westerly End of a certain Street in *Altrincham* called *Stamford Street*; and the Road from the Turnpike Road leading from *Altrincham* to *Northwich*, at the present Toll Bar called *New Bridge Hollow Bar*, in the Township of *Bollington*, to the Turnpike Road leading from *Knutsford* to *Warrington*, in the Parish of *Grappenhall*; and so much of the Branch Road as is situate between its Junction with the first-mentioned Road on *Cheadle Moor* to the Boundary of the Borough of *Stockport* in the Hamlet of *Edgeley*, which Roads and Branch Road are wholly situate in the County of *Chester*.

Power to take Tolls.

IX. The Trustees or their Lessee, in pursuance of any subsisting Lease, may continue to collect and receive the Tolls as taken upon the Roads previous to the Commencement of this Act until the First Day of *January* One thousand eight hundred and fifty-seven, and on and after such First Day of *January* the Trustees may demand and take at the several and respective Toll Gates which shall be upon or at the Side of the Roads such several and respective Tolls as the Trustees shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse, Mule, Ass, or other Beast drawing any Coach, Chaise, Clarence, Chariot, Barouche, Brougham, Break, Hearse, Omnibus, Chair, Curricle, Gig, Taxed Cart, Whitechapel Waggon, Wain, Dray, Caravan, Van, Cart, or other Carriage of any Description, Sixpence:

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

For every Score of Oxen, Cows, or other Neat Cattle, Tenpence *per* Score, and so in proportion for any greater or less Number:

For every Score of Calves, Sheep, Lambs, or Pigs, Fivepence *per* Score, and so in proportion for any greater or less Number:

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

Which said Tolls shall be paid before any Horse, Mule, Ass, or other Beast or Cattle, Coach, Waggon, Cart, Truck, or other Carriage of any Description, in respect of which a Toll is payable, shall pass through any Toll Gate which shall be upon or on the Side of the Roads.

X. In

As to the Fraction of a Halfpenny in Tolls.

X. 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.

Limiting the Number of Tolls to be taken for passing along the Roads.

XI. Nothing in this Act shall extend or be construed to extend to empower the Trustees to demand or take more than the Number of full Tolls following for the going and returning of the same Horse or other Cattle or Beast drawing any Carriage, or not drawing, through all the Toll Gates erected or to be erected upon or at the Side of the Roads on the same Day; (that is to say,) upon the Roads, except the Branch Road, Two full Tolls, and upon the Branch Road, One Half of a full Toll.

Horses, &c., having paid Toll may pass Toll-free the same Day, except in certain Cases.

XII. If the Toll by this Act authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any Toll Gate, such Horse, Beast, or Cattle may during the same Day, upon the Production of a Ticket denoting such Payment, repass Toll-free through the same Toll Gate, and also through any other Toll Gate freed by such Payment, except in Cases of Horses, Beasts, or Cattle drawing any Waggon, Cart, or other such Carriage laden both on passing and repassing, as follows; (that is to say,) in the Case of a Waggon, Cart, or other such Carriage conveying Flour or Meal returning from the Mill after having been ground, to be laid up in the House or Outbuildings of the Owner of such Flour or Meal, including any Persons riding in or on the same, of the Weight of Seven hundred and twenty Pounds Avoirdupois; and in the Case of a Waggon, Cart, or other such Carriage conveying any other Article or Thing, including any Person riding in or on the same, of the Weight of Two hundred and forty Pounds Avoirdupois; in which excepted Cases a Second Toll shall be paid in respect of such Horse, Beast, or Cattle on repassing through the same Toll Gate.

Tolls to be again paid on passing &c. a Third Time.

XIII. When any Horse, Cattle, or Beast shall pass through any Toll Gate a Third Time on the same Day, such Horse, Cattle, or Beast shall again be subject and liable to the aforesaid Tolls, to be paid before the same shall pass a Third Time as aforesaid, and so *toties quoties* for every Third Time of passing.

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

XIV. The Tolls by this Act made payable in respect of Horses, Beasts, or Animals drawing any Waggon, Cart, or such like Carriage shall be paid for every Time during the same Day that any such Horse, Beast, or Animal shall pass through any Toll Gate on the Roads drawing any laden Waggon, Cart, or such like Carriage other than that which such Horse, Beast, or Animal shall have been employed

in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horses, Beast, or Animal.

Stage Coaches every Time of passing and re-passing.

XV. The Tolls hereby made payable shall be paid for or in respect of all Horses or other Cattle drawing any Stage Coach, Van, Caravan, or other Carriage whatever, conveying Passengers or Goods for Hire or Reward, for each Time of passing and for each Time of repassing through all or any of the Toll Gates upon the Roads: Provided always, that no further or additional Toll shall be payable in respect of the Horses or other Cattle drawing any Stage Coach, Van, Caravan, or other such Carriage on account only of the Horses or other Cattle drawing the same having been changed.

Postchaises on every new Hiring.

XVI. The Tolls hereby made payable shall be paid for or in respect of all Horses or other Cattle let out to Hire, whether for riding or for drawing any Postchaise or other Carriage travelling for Hire, for every Time of passing through all or any of the Toll Gates on the same Day, as often as a new or fresh Hiring shall take place.

Steam Carriages to pay each Time of passing and repassing.

XVII. The Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam Machinery, or by any other Power than Animal Power, shall be paid every Time of passing and also every Time of the repassing of such Carriage along the Roads.

Double Toll to be paid for Carriages which cannot be weighed.

XVIII. Whereas it frequently happens that Timber and other Carriages are drawn upon the Roads laden with excessive Weights, which by reason of their Construction cannot be weighed at Weighing Machines commonly used on Turnpike Roads, and the Roads receive considerable Damage thereby, for which the Tolls herein-before authorized are not sufficient Compensation, therefore in all Cases where Carriages are used upon the Roads constructed so that by the ordinary Weighing Machines erected thereon they cannot be accurately weighed, there shall be paid in respect of every Horse or other Beast drawing such Carriage double the Amount of the Tolls herein-before authorized to be taken.

One Horse Carts may be weighed.

XIX. Whereas it frequently happens that Carts drawn by One Horse passing upon the Roads carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses, therefore all Carts passing along the Roads drawn by One Horse only may be weighed at any Machine erected or to be erected on the Roads, and the additional Sums or Tolls payable by any Law in force or by this Act for the Overweight of any Waggon, Cart, or other Carriage, and the loading thereon, may be demanded and taken in respect of Carts drawn by One Horse only, and which, with the loading thereon, shall

exceed

exceed the Weight specified in this Act or the General Acts in force respecting Overweight; and all the Powers, Regulations, and Penalties 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.

Trustees may accept an Offer for extended Period for Lease of Tolls.

XX. If before the Expiration of any Lease or Agreement to take to farm the Tolls by this Act granted, or any of them, the Trustees shall receive an Offer for a Lease or Agreement to take to farm such Tolls for a further Period, not exceeding Three Years, at a Rent or yearly Payment exceeding the Rent or yearly Payment then paid for such Tolls, and if the Trustees shall be of opinion and resolve that in their Judgment it will be more beneficial to the Trust that such Offer should be accepted than that the Tolls should be put up to Auction in the Manner provided by Section Fifty-five of the General Turnpike Act, Third *George* the Fourth, Chapter One hundred and twenty-six, the Trustees may accept such Offer, and carry the same into effect, anything contained in the General Turnpike Acts to the contrary notwithstanding.

Extinguishment of Arrears of Interest.

XXI. And whereas the Principal Money now owing on the Credit of the Tolls authorized to be taken on the Roads amounts to the Sum of Five thousand and seventy-one Pounds and Seven Shillings, with an Arrear of Interest due thereon of the Amount of One thousand six hundred and twenty-one Pounds Seventeen Shillings and Tenpence; Be it enacted, That the whole of such Arrear of Interest on the said Principal Money shall be and the same is hereby extinguished.

Application of Tolls.

XXII. All Moneys which on the Commencement of this Act shall be in the Hands of the Trustees in respect of the Roads, and all Moneys which shall be received by them by virtue of this Act, shall be applied in manner following; (that is to say,)

First, In Payment of all Costs, Charges, and Expenses which shall have been incurred in applying for, preparing, obtaining, and passing this Act, or otherwise relating thereto respectively:

Secondly, In defraying the Expenses of maintaining and erecting Toll Gates, Toll Houses, Weighing Engines, and other Buildings, and in paying the Salaries and Compensation to be made to Officers and other Persons employed by the Trustees, and the Cost attending the Management of the Roads; but the Amount so applied shall not exceed, during the First Year after the Commencement of this Act, the Sum of Two hundred and thirty Pounds, or during any succeeding Year the Sum of One hundred and thirty Pounds *per Annum*, exclusive of the Wages of Toll Collectors and Expenses of Actions at Law and Indictments:

Thirdly,

Thirdly, In paying Interest, after the Rate of Three Pounds and Ten Shillings *per Centum per Annum*, upon the said Principal Sum of Two thousand five hundred and ninety Pounds, or on so much of such Principal Sum as shall for the Time being be owing:

Fourthly, In paying the Expenses of maintaining and keeping in repair the Roads, not exceeding Four hundred and fifty Pounds *per Annum:*

Fifthly, In reducing, paying off, and discharging, according to the Provision herein-after contained, such Principal Sums of Two thousand five hundred and ninety Pounds, and Two thousand four hundred and eighty-one Pounds and Seven Shillings, or such Parts of such Principal Sums as shall for the Time being be owing, as follows; that is to say, until the whole of such Principal Sum of Two thousand five hundred and ninety Pounds is paid off, Five Sixth Parts of such Money in paying off such Principal Sum of Two thousand five hundred and ninety Pounds, and the remaining One Sixth Part of such Money in paying off, but without Interest, such Principal Sum of Two thousand four hundred and eighty-one Pounds and Seven Shillings, and when the whole of such Principal Sum of Two thousand five hundred and ninety Pounds is paid off, in paying off, but without Interest, such Principal Sum of Two thousand four hundred and eighty-one Pounds:

Sixthly, In further paying the Expenses of maintaining, improving, and keeping in repair the Roads.

As to Mode of discharging Debt.

XXIII. When and so often as any Sum applicable to the Discharge of any Principal Money for the Time being due on the Credit of the Tolls, shall amount to the Sum of One hundred Pounds, the Trustees shall, at some General, Annual, or other Meeting, apply such Sum in the Payment of a proportionate Part of such Principal Money 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 Object or Purpose thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Chester*, or by Letter sent by Post to each Mortgagee entitled to any Portion of such Money, directed to his usual Place of Residence or last Place of Abode; and at such Meeting the Trustees shall apply such Sum, or Portions thereof (as the Case may require), in or towards the Discharge of Money owing on the Security of the Tolls to the Mortgagee 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 Money; and after Payment to such Mortgagee as aforesaid shall apply the Surplus (if any) of such Sums, or Portions thereof (as the Case may require),

in

in or towards the Payment of other Money owing on the Security of the Tolls to the Mortgagee who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Money 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 Mortgagees, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between or amongst such Mortgagees, or pay such Composition rateably between or amongst such Mortgagees, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payment after applying the same, so far as may be necessary, in or towards the Discharge of the Moneys to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Mortgagees on the Tolls entitled to such Money, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

Mortgagees not to take possession but for Arrears of Interest.

XXIV. Whenever and so long as the Interest by this Act granted upon any Class of existing Mortgagees shall be duly paid within Three Months next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the Roads in such Class shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Roads, or into the Receipt of the Tolls arising therefrom, or of the Rent payable on any letting of such Tolls; and every Mortgagee entering into the Possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time due and becoming due upon the said existing Mortgages without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every Mortgagee being so in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk or Clerks of the Trustees for the Time being a full and true Statement of his Accounts, 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 half-yearly Days, and all such Costs as aforesaid, shall 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 said Toll Gates, Toll Houses, and Buildings, and the Receipt of the Tolls, and of any of 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.

No Money to be laid out or taken in certain Towns.

XXV. No Money shall be laid out on any Part of the Roads comprised within the Limits of any Act of Parliament passed for the Improvement of any Town or Borough, nor shall any Toll be collected therein.

Road not exempt from Provisions of General Acts.

XXVI. Nothing herein 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.

Commencement and Term of Act.

XXVII. This Act shall commence on the First Day of *November* 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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