ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. clv.

An Act to repeal an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing the Roads from the Borough of* Tamworth *in the Counties of* Stafford *and* Warwick *to the Town of* Ashby-de-la-Zouch *in the County of* Leicester, *and from* Harrington Bridge (*heretofore* Sawley Ferry) *in the said County of* Leicester *to a Turnpike Gate at or near the End of* Swarcliffe Lane *leading to* Ashby-de-la-Zouch *aforesaid*, and for granting more effectual Powers in lieu thereof. [13th *July* 1863.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, Chapter One hundred and twenty-two, intituled *An Act for re-* 4 G. 4.
pairing the Roads from the Borough of Tamworth *in the Counties of* c. cxxii.
Stafford *and* Warwick *to the Town of* Ashby-de-la-Zouch *in the County*

of Leicester, *and from* Harrington Bridge (*heretofore* Sawley Ferry) *in the said County of* Leicester *to a Turnpike Gate at or near the End of* Swarcliffe Lane *leading to* Ashby-de-la-Zouch *aforesaid:* And whereas the Term granted by the said Act would in ordinary Course have expired in the Year One thousand eight hundred and forty-five, but such Term has been continued from Year to Year by the annual Turnpike Acts Continuance Acts, and will now expire unless further continued on the First Day of *November* One thousand eight hundred and sixty-three: And whereas various Sums of Money have been borrowed or secured on the Credit of the Tolls authorized to be taken upon the said Roads, and Part of such Money still remains due and owing, and the same cannot be paid off, nor can the said Roads be properly maintained and repaired, unless the Term of the said Act be continued, and the Powers thereof extended and enlarged: And whereas it is expedient for those Purposes that the said Act should be repealed, and that more effectual Powers should be granted in lieu thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please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 Authority of the same, as follows; (that is to say,)

Recited Act repealed, and this Act to be put in force.

1. From and after the Commencement of this Act the said recited Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth, Chapter One hundred and twenty-two, shall be repealed, and this Act shall thenceforth be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

2. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Tamworth and Harrington Bridge* Roads Act, 1863."

Interpretation of Terms.

3. 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 "Lands" shall include Messuages, Tenements, and Hereditaments:

The Expression "the Trustees" shall mean the Trustees from Time to Time acting in the Execution of this Act:

The Expression "Toll Gate" shall include Turnpike, Toll Bar, Side Gate, Side Bar, and Chain from Time to Time continued or set up upon, across, or by the Side of the said Roads, or across any Highway or other Carriageway or Bridleway communicating therewith:

The Word "Mortgage" shall include a Bond, and the Word "Mortgagee" shall include a Bondholder:

The Word "Carriage" shall mean and include all Carriages, Coaches, Stage Coaches, Omnibuses, Cabs, Flys, Vans, Caravans, Chariots, Chaises, Postchaises, Curricles, Phaetons, Cars, Gigs, Dog Carts, Calashes, Taxed Carts, Chairs, and other Vehicles by whatever Name known, respectively adapted or used for the Conveyance of Persons or light Articles, and also all Hearses and Breaks, and all other Vehicles not comprised in this Act in the Words "Cart" or "Waggon:"

The Word "Cart" and the Word "Waggon" shall respectively mean and include all Carts, Waggons, Wains, Vans, Caravans, Drays, Timber Carriages, and other Vehicles by whatever Names known, which respectively are adapted or used for the Conveyance of heavy Articles.

All Arrears of Tolls and Monies due under recited Act vested in Trustees under this Act.

4. All Rents, Tolls, Arrears of Rents and Tolls, and other Monies, Choses in Action, Property, and Effects, due, reserved, or belonging to or 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 last-mentioned Trustees may sue for and recover the same and act in respect thereof as effectually as if the same had been due, reserved, or belonging to or vested in them under this Act, and they shall be liable to the Payment of all Sums of Money, Debts, and Demands due and owing on the Credit or Security of the said recited Act, and all Interest due and to grow due on the same respectively, and to all the Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except so far as the same may be altered or varied by this Act.

Conveyances, &c. under former Act to continue in force.

5. Subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Leases, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the said herein recited Act, or any of them, shall remain in full Force and Effect, and shall enure to and be available in all Courts of Law and Equity by and for the Benefit of the Trustees under this Act in the same Manner in all respects as if they had originally been Parties thereto instead of the Trustees under the said recited Act who were actually such Parties; and all Bonds, Mortgages, Bargains, Contracts, Agreements, Leases, or Notices made, entered into, or given by the Trustees for executing the said recited Act, or any of them, with or to any Person or Persons for any Purpose relating to the said Roads therein comprised, or to the Execution of the same Act, shall remain in full Force and Effect, and be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bonds, Mortgages, Bargains, Contracts, Agreements, Leases, or Notices, according to the Terms

Terms and Stipulations and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees under the said recited Act shall and may be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act, notwithstanding the Repeal of the said recited Act.

Former Books to be Evidence.

6. All and every the Books and Book of Proceedings which have been kept by the Trustees acting in execution of the said recited Act or of any of the Acts therein recited, or by their Treasurer, Clerk, or Surveyor under their Direction, according to the Provisions of such Act or Acts respectively, and made Evidence thereby, shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Trustees appointed.

7. All Her Majesty's Justices of the Peace for the Time being acting for the Counties of *Stafford*, *Warwick*, *Derby*, and *Leicester* respectively, together with *William Wotton Abney*, *Henry Allsopp*, Sir *George Howland Beaumont* Bart., *Michael Thomas Bass*, *Henry Clay*, Sir *Mylles Cave Browne Cave* Bart., Sir *George Chetwynd* Bart., *Charles Robert Colville*, *Robert Green Cresswell*, Sir *John Harpur Crewe* Bart., *William Harcourt Clare*, Sir *Alexander Beaumont Churchill Dixie* Bart., *William Stratford Dugdale*, *John Wilkes Daniel*, *John Davys*, *George Eaton*, *John Manuel Echalaz* Clerk, *John Fisher* Clerk, *Leonard Fosbrooke*, *Richard Gough*, *Robert Green*, Sir *Thomas Gresley* Bart., *William Hall*, the Right Honourable *Henry Weysford Charles Plantagenet Rawdon Hastings* Marquis of *Hastings*, *Charles Frederick Abney Hastings*, *Alexander Hadden*, *John Hamp*, *George Inge* Clerk, *George Lucena Ross Kettle*, *Thomas Smith Kirkland*, *George Moore*, *Thomas Mowbray*, Sir *Robert Peel* Bart., *William Princep*, *Henry John Pye*, *Henry Pye* Clerk, *William Sherwin*, *Thomas Fosbrooke Salt*, *Thomas Stevenson*, *Joseph Sowter*, *Edward Stevenson*, *George Trussell*, *Marmaduke Vavasour* Clerk, *John Thomas Woodhouse*, *Stanley Pipe Wolferstan*, *Charles Wright* Clerk, 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.

8. It shall be lawful for the Trustees at any Meeting of such Trustees 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.

First Meeting of Trustees.

9. The Trustees shall hold their First Meeting at the *Royal* Hotel in *Ashby-de-la-Zouch* in the County of *Leicester*, or at some other Place in the said Town, on the Third *Friday* after the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Four of the

the Clock in the Afternoon, and may then and from Time to Time there after adjourn to and meet at such Times and at such Places in the Neighbourhood of the Roads comprised in this Act as they shall think proper for the Purpose of putting this Act into execution.

Power to appoint Committees.

10. The Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any Meeting, and such Committees and the Officers of the Trust may proceed and act under such Appointment, but shall always be accountable according to the Instructions and Regulations aforesaid.

Roads to which this Act is applicable.

11. This Act shall be put into execution for the Purpose of more effectually maintaining, repairing, and improving the several Roads herein-after mentioned; (that is to say,) from the Borough of *Tamworth* in the Counties of *Warwick* and *Stafford* to the Town of *Ashby-de-la-Zouch* in the County of *Leicester*, and from *Harrington Bridge* (heretofore *Sawley Ferry*) in the said County to a Turnpike Gate at or near the End of *Swarcliffe Lane* leading to *Ashby-de-la-Zouch* aforesaid, which said Road from the Borough of *Tamworth* aforesaid to *Ashby-de-la-Zouch* aforesaid passes from, through, or into the several Parishes, Townships, or Hamlets of *Wiggington*, *Sirescote*, *Statfold*, and *Thorp*, in the County of *Stafford*, *Seckington* and *Newton-in-the-Thistles* in the County of *Warwick*, *Measham* in the County of *Derby*, *Stretton-en-le-Field*, *Appleby*, and *Packington*, in the Counties of *Leicester* and *Derby*, and *Ashby-de-la-Zouch* in the County of *Leicester*, and which said Road from *Harrington Bridge* (heretofore *Sawley Ferry*) aforesaid to the said Turnpike Gate at or near the End of *Swarcliffe Lane* aforesaid passes from, through, or into the several Parishes, Townships, or Hamlets of *Hemington*, *Castle Donington*, *Isley Walton*, *Tonge*, *Breedon-on-the-Hill*, *Worthington*, *Lount*, *Staunton-Harrold*, and *Ashby-de-la-Zouch*, all in the said County of *Leicester*.

Style of the Trust.

12. The Roads comprised in this Act shall be called "the *Tamworth and Harrington Bridge* Roads," and the Trustees for executing this Act shall be styled "the Trustees of the *Tamworth and Harrington Bridge* Roads."

Power to take Tolls.

13. Notwithstanding the Repeal of the said herein-recited Act, the several Tolls now payable at the Toll Gates on, in, or across the said Roads, or any of them, or on or in the Sides thereof respectively, shall continue payable thereat until Twelve o'Clock at Noon on the First Day of *January* next after the passing of this Act, and from and after Twelve o'Clock at Noon on the same First Day of *January* it shall be

lawful for the Trustees and their Collectors or Lessees to demand and take at each and every Toll Gate which shall be continued or set up by virtue of this Act on, in, or across the said Roads, or any of them, or on or in the Sides thereof respectively, the several Tolls or Sums following; that is to say,

For every Horse, Mule, or other Beast of Draught drawing a Chaise Marine, Coach, Landau, Berlin, Barouche, Brougham, Sociable, Chariot, Calash, Omnibus, Hearse, Break, Chaise, Curricle, Gig, Chair, or other such Carriage, the Sum of Fourpence Halfpenny:

For every Horse, Mule, or other Beast of Draught drawing a Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Fourpence:

For every Horse, Mule, or other Beast of Draught drawing a Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches, the sum of Fivepence:

For every Horse, Mule, or other Beast of Draught drawing a Waggon, Wain, Cart, or other such Carriage having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of Sixpence:

For Oxen, Cows, or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for a greater or less Number:

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

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

Which said Tolls shall be demanded and taken before any Horse, Mule, Beast, Carriage, or other Animal or Vehicle for which the same respectively shall be payable shall be permitted to pass through any Toll Gate continued, erected, or set up by virtue of this Act on, in, or across any of the said Roads, or on or in the Sides thereof respectively, and which said Tolls shall be and are hereby vested in the Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

As to the Fraction of a Halfpenny in Tolls.

14. In all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be taken the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Tolls to be paid once a Day.

15. Provided always, that whenever the Toll hereby authorized to be taken shall have been paid on any Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night) for the passing of any Horse, Mule, Beast, Carriage, or other Animal

Animal or Vehicle through any such Toll Gate as aforesaid, then on a Note or Ticket being produced denoting the Payment of such Toll such Horse, Mule, Beast, Carriage, or other Animal or Vehicle shall (except as herein-after provided) be permitted to pass Toll-free through the same Toll Gate, and also through every such other Toll Gate, if any, as the Ticket for such Payment shall free, at any Time during the same Day, which Note or Ticket naming and specifying the Gate or respective Gates freed by such Payment the several Collectors of the said Tolls are hereby respectively required to give *gratis* on Receipt of the Toll paid.

Stage Coaches, &c. to pay every Time of passing.

16. Provided nevertheless, that such of the Tolls hereby authorized to be taken as shall be payable for any Horse or Beast drawing any Stage Coach, Diligence, Omnibus, Van, Caravan, Chaise, Cart, Chair, Break, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, or for any Carriage propelled or drawn by Steam Power or by any other Power than Animal Power, shall respectively be payable and paid for every Time of passing or repassing along the said Roads or any of them.

Postchaises on every new Hiring.

17. Provided also, that such of the Tolls hereby authorized to be taken as shall be payable for any Horse or Beast let out to Hire, and drawing any Postchaise or other Carriage, shall respectively be payable and paid for every Time of passing or repassing along the said Roads or any of them whenever any new Hiring thereof shall take place, in the same Manner as if no previous Payment of Tolls in respect of such Horse or Beast had been made on the same Day.

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

18. Provided also, that such of the Tolls hereby authorized to be taken as shall be payable for any Horse or other Beast drawing any Waggon, Wain, Dray, Drug, Cart, or such like Carriage, shall respectively be payable and paid for every Time during the same Day that any such Horse or other Beast shall pass through any of the Toll Gates belonging to the Trustees drawing any other Waggon, Wain, Dray, Drug, Cart, or such like Carriage than that which such Horse or other Beast was employed in drawing at any former Time during the same Day at which such Tolls shall have been paid.

Limiting the Number of Tolls.

19. Provided also, that (except as to any Carriage propelled or drawn by Steam Power or by any other Power than Animal Power) no more than Four full Tolls on the whole Line of the said Roads shall be demanded or taken of or from any Person for the same Horse, Beast, Carriage, or other Animal or Vehicle in any One Day (such Day to be computed as aforesaid) for passing and repassing through any of the said Toll Gates.

20. Pro-

Respecting Beasts and Carriages employed in the Conveyance of Lime.

20. Provided also, that any Horse or Horses or other Beast or Beasts, Waggon or Waggons, or other Carriage or Carriages, employed in conveying Lime for the Purpose of Manure only from the Lime Works at *Breedon-on-the-Hill* or *Cloud Hill*, or any other Lime Works adjacent, which shall pass through and for which Toll shall be paid at the Turnpike Gates now standing and being on the said Road from *Harrington Bridge* aforesaid to the Turnpike at the End of *Swarcliffe Lane* aforesaid, called *Burney Lane Gate*, the *Lount Gate*, or the *Smoile Gate*, or any or either of them, or any Gate, Bar, or Chain to be erected instead of such Turnpike Gates or any or either of them, shall be permitted to pass through the Turnpike Gate now standing and being on the same Road called *Noman's Heath Gate*, or any Gate, Bar, or Chain to be erected instead thereof, free from any further or additional Toll on Production of a Ticket or Tickets by the Owner or Driver of any such Beast or Beasts, Carriage or Carriages, denoting the Payment of Toll for the same Beast or Beasts, Carriage or Carriages, at *Burney Lane Gate*, *Lount Gate*, or *Smoile Gate* aforesaid, or any Gate, Chain, or Bar to be erected instead thereof; and also that any Horse or Horses or other Beast or Beasts, Waggon or Waggons, or other Carriage or Carriages, going empty to fetch, carry, or convey only Lime for the Purpose of Manure from any or either of the Lime Works aforesaid, which shall pass through and for which Toll shall be paid at *Noman's Heath Gate* aforesaid, or any Bar or Chain to be erected instead thereof as aforesaid, shall be permitted to pass through *Burney Lane Gate*, *Lount Gate*, and *Smoile Gate* aforesaid, or any or either of them, or any Gate, Chain, or Bar instead thereof as aforesaid, without paying any further or additional Toll on Production of such Ticket or Tickets as aforesaid denoting the Payment of Toll for the same Horse or Horses or other Beast or Beasts, Waggon or Waggons, or other Carriage or Carriages, at *Noman's Heath Gate* aforesaid.

Certain Beasts and Carriages may pass through Donington Park with Permission of the Marquis of Hastings.

21. Provided also, that nothing in this Act or in the said herein recited Act contained shall subject the Marquis of *Hastings*, his Heirs or Assigns, to any Penalty for granting Permission to any Person or Persons to pass through *Donington Park*, or subject such Person or Persons to any Penalty for availing himself, herself, or themselves of the said Permission by passing through *Donington Park*, with any Horses or other Beasts, Waggons or other Carriages, other than Waggons or Carts conveying Lime, Limestone, or Coal from any Lime Work or Colliery in the Neighbourhood.

Exemption as to Lime.

22. Provided also, that no Toll shall be demanded or taken at any of the said Toll Gates between the First Day of *May* and the First Day of *October* in every Year for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime or Limestone for the Improvement or Manuring of Land or Ground, or going empty to be so laden, or returning unladen or empty from having been so employed, except

except that no such Exemption from Toll shall be allowed for any Horse or Beast drawing any Waggon, Cart, or other Carriage having Wheels of less Breadth than Four Inches and a Half on the Sole or Bottom of the Fellies thereof.

Continuing the Agreement between the Trustees and the Trustees of the Loughborough, Ashby-de-la-Zouch, and Rempstone Road.

23. And whereas by an Act of the Thirty-ninth Year of the Reign of His Majesty King *George* the Third, Chapter Forty-seven, an Agreement between the Trustees and the Trustees acting under such Act is recited with respect to the Repair of the Portion of the Road between *Ashby-de-la-Zouch* and *Swarcliffe Lane*, and with respect to the Amount of Toll to be taken at the Toll Gate at the Entrance to *Swarcliffe Lane*, and with respect to other Matters, and it is expedient that the Arrangements then made be modified and continued during the Term hereby granted: Therefore the Trustees shall continue to repair and maintain the Part of the Road between *Ashby-de-la-Zouch* and the Entrance to *Swarcliffe Lane* as heretofore, and the Trustees of the *Loughborough, Ashby-de-la-Zouch*, and *Rempstone Road* shall not erect any Toll Gate on the Portion of Road so repaired by the Trustees; and the said Trustees of the *Loughborough, Ashby-de-la-Zouch*, and *Rempstone Road* shall not demand or take hereafter at the Toll Gate now erected or at any other Toll Gate to be erected at the Entrance of *Swarcliffe Lane*, where the Turnpike Road leading therefrom to *Breedon* and *Harrington Bridge* (being Part of the Turnpike Road from *Tamworth* to *Harrington Bridge*) communicates with the Road from *Loughborough* to *Ashby-de-la-Zouch*, any Tolls exceeding the following; (that is to say,)

For every Horse, Mule, Ass, or other Beast of Draught drawing any Cart or Waggon laden with Lime or Limestone, the Sum of One Penny;

For every Horse, Mule, Ass, or other Beast of Draught drawing any Carriage, or drawing any Cart or Waggon not laden with Lime or Limestone, One Penny Halfpenny;

For every Pair of Millstones, the Sum of One Shilling and Threepence;

For every Horse, Mule, or Ass, laden or unladen, and not drawing, One Halfpenny;

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

For every Drove of Calves, Hogs, Sheep, or Lambs, Twopence Halfpenny *per* Score, and so in proportion for any less Number:

And the Trustees shall during the Term hereby granted as respects such Part of the Road between *Ashby-de-la-Zouch* and the Entrance to *Swarcliffe Lane* aforesaid, by virtue of the said Agreement or otherwise, have the full Benefit and Advantage of all Substitutes provided or to be provided for Statute Duty and Composition respectively; provided also,

that if during the Term hereby granted the *Loughborough, Ashby-de-la-Zouch*, and *Rempstone Road* ceases to be a Turnpike Road the Provisions contained in this Section shall thereupon be no longer in force.

Defining the Amount of the Debts.

24. And whereas the several Principal Sums due and owing under the said repealed Act are set forth in the Schedule hereunto annexed, and amount together to the Sum of Two thousand five hundred and five Pounds: Therefore from and after the First Day of *January* One thousand eight hundred and sixty-four the said Sum of Two thousand five hundred and five Pounds shall be deemed to be the Principal Sum due and owing on the Credit of the Tolls authorized to be taken on the said Roads, and Interest not exceeding the Rate of Three Pounds Fifteen Shillings *per Centum per Annum* shall thenceforth be paid on the same Principal Sum, or on so much thereof as for the Time being shall be due and owing on the Credit of the said Tolls.

Application of Monies and Tolls.

25. All Monies and Tolls which under the said herein recited Act or this Act shall be vested in or shall be received by the Trustees, and shall be applicable to the Purposes of this Act, shall be applied as follows; (that is to say,)

First, in defraying the necessary Costs and Expenses of applying for, obtaining, and passing this Act, or incidental thereto;

Secondly, in paying Interest, not exceeding the Rate of Three Pounds Fifteen Shillings *per Centum per Annum*, on the said Principal Sum of Two thousand five hundred and five Pounds, or on so much thereof as shall for the Time being be due and unpaid, such Interest to be paid to and amongst the Persons entitled thereto in proportion to the Amount of their respective Claims, and without any Priority of any one or more of them over the others or other of them;

Thirdly, in defraying the necessary Expenses of repairing Toll Gates, Toll Houses, and Weighing Machines, with their Appurtenances, the Salaries and Wages of the Treasurer, Clerk, Surveyor, and other Officers and Persons employed by the Trustees, and all other Expenses attending the Management of the said Roads, provided that such Expenses shall not exceed in any One Year the Sum of One hundred and thirty Pounds, exclusive of any Payment to Toll Collectors for collecting Tolls, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending any Action at Law, or preferring or defending any Indictment, or in taking or defending any Proceeding before any Justice of the Peace, or other legal Proceeding;

Fourthly, in defraying the necessary Costs and Expenses of maintaining, repairing, and improving the said Roads, and of otherwise putting this Act into execution with reference thereto, not exceeding in any One Year the Sum of Four hundred and twenty-five Pounds;

Fifthly,

Fifthly, in reducing and paying off in the Manner herein-after provided the said Principal Sum of Two thousand five hundred and five Pounds, or so much thereof as shall for the Time being be owing on the Credit of the said Tolls; and

Sixthly, after Payment of the whole of the said Principal Sum and Interest, in further repairing, maintaining, and improving the said Roads, and putting this Act into execution with reference thereto.

No Interest on Principal Sum of 2,505*l.* until Expenses of Act are paid.

26. Provided always, that no Interest shall accrue due or be paid on the said Principal Sum of Two thousand five hundred and five Pounds until the Expenses of obtaining and passing this Act and incident thereto shall have been paid or provided for by the Trustees.

Extinguishing Arrears of Interest.

27. All Arrears of Interest and unclaimed Interest in respect of the said Principal Debt of Two thousand five hundred and five Pounds due at the Commencement of this Act shall be and the same are hereby extinguished.

Extinguishment of Debt appearing to be due to John and Leonard Piddocke.

28. Provided also, that unless the Sum of One hundred Pounds, forming Part of the said Principal Sum of Two thousand five hundred and five Pounds, and appearing in the Schedule to this Act to be due to *John* and *Leonard Piddocke*, (in respect of which said Sum of One hundred Pounds or the Interest thereon no Claim has been made and prosecuted since the Year One thousand eight hundred and forty-three,) shall before the First Day of *January* One thousand eight hundred and sixty-four be claimed by some Person or Persons who shall also before that Day legally establish his, her, or their Title thereto, the said Sum of One hundred Pounds shall from and after the said First Day of *January* One thousand eight hundred and sixty-four be deemed to have been paid off and discharged, and shall be deducted accordingly from the said Principal Sum of Two thousand five hundred and five Pounds, and all Right to recover or compel Payment of the said Sum of One hundred Pounds or any Part thereof shall, both at Law and in Equity, be for ever barred and extinguished.

No more Money to be borrowed on Tolls.

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

24 & 25 Vict. c. 70. to apply.

30. The Provisions of the Locomotive Act, One thousand eight hundred and sixty-one, with reference to Tolls and otherwise, shall apply to this Act.

Mortgagees to take possession

31. Whenever and so long as the Interest on all existing Mortgages or other Securities on the Tolls of the said Roads shall be duly paid at the

for Arrears of Interest only.

the Rate by this Act authorized within Three Calendar Months next after the same shall become due, no Holder of any such Mortgage or other Security shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings on, in, or across the said Roads or any of them, or on or in the Sides thereof respectively, or into the Receipt of the Tolls arising on the said Roads, or of the Rent payable on any letting of such Tolls; and every Holder of any such Mortgage or other Security entering into 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 becoming due at the Rate by this Act authorized on all the then existing Mortgages and other Securities, with Power also to reimburse himself any Costs to which he may reasonably be entitled; and every 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 and other Securities shall be payable, render to the Clerk to 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 by this Act authorized on such Mortgages and other Securities 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 said Toll Gates, 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.

As to Mode of discharging Debt.

32. Whenever and so often as the Sum applicable to the Discharge of any of the Principal Monies for the Time being due on the Credit of the said 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 the said Principal Monies to the Persons entitled thereto, and shall, Twenty Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting and of the Objects or Purposes thereof, so far as the same shall relate to the Application of such Sum, by Letter sent by Post to each Mortgagee or other Security Holder directed to his usual Place of Residence or last known Place of Abode, 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 the Monies owing on the Credit 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 the said Monies then

then due, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of the Monies owing on the Credit 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 said Monies then due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; 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 shall think fit; and if there shall be no such Proposal as aforesaid, or if there shall 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 as aforesaid shall 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 or otherwise, as the Trustees shall think fit.

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

33. 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 by Ten *per Centum* at least the Rent or yearly Payment then paid or made 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* Fourth, Chapter One hundred and twenty-six, the Trustees may accept such Offer, and carry the same into effect, anything contained in such Fifty-fifth Section to the contrary notwithstanding.

One Horse Carts may be weighed.

34. All Carts passing along the Roads drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or to be erected on the Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, Penalties, Matters, and Things now in force relating to the weighing of 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.

Roads not exempt from Provisions of any General Acts.

35. 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.

36. This Act shall commence and take effect on the Fifteenth 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.

SCHE-

SCHEDULE to which the foregoing Act refers.

Names of Mortgagees.	Amount due. £	s.	d.
John Bostock	100	0	0
Richard Worthington	135	0	0
Mary Beadsmoore	85	0	0
Thorpe Poor	50	0	0
Late Tamworth Bailiffs	50	0	0
Tamworth Organ Committee	100	0	0
Newtown Charity Trustees	100	0	0
Ashby Blue Coat Charity	50	0	0
The Representatives of the late Thomas Wright	50	0	0
Messrs. Goode	360	0	0
Ellen Ansted	50	0	0
Robert Mynors	100	0	0
Henry Rule Sarel	220	0	0
John Husband	200	0	0
Richard Thirlby, as Executor of Richard Bird	60	0	0
William Blenkarne	35	0	0
Francis Hunter	100	0	0
Ann Ball, as Administratrix of Charles Ball	100	0	0
Netherseal Poor	60	0	0
John Oldershaw, Executor of Dr. Oldershaw	100	0	0
John and Leonard Piddocke	100	0	0
Mary Stevenson	200	0	0
Eleanor Dyott, Executrix of Mrs. Bakewell	50	0	0
Henry Vincent Smith, as Representative of Miss S. Vincent	50	0	0
	£2,505	0	0

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