ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lx.

An Act for managing and repairing the Roads leading from *Uttoxeter* to *Stoke* near *Stone*, and from *Millwich* to *Sandon*, in the County of *Stafford*. [3d *July* 1851.]

WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, Cap. 54., intituled *An Act for continuing and amending an Act of His present Majesty, for repairing the Roads from* Uttoxeter *to* Stoke *near* Stone, *and from* Millwich *to* Sandon, *in the County of* Stafford: 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 hundred and fifty-one: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken upon the said Roads, which Money still remains owing, together with an Arrear of Interest thereon, and such Money cannot be paid off or Interest thereon discharged, nor can the said Roads be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act be further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual 55 G. 3. c. 54.

The Uttoxeter and Stoke near Stone and Millwich and Sandon Turnpike Roads Act, 1851.

Powers should be granted for repairing and improving the said Roads; but the Purposes aforesaid 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,

Recited Act repealed and this Act to be put in force.

I. That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act of the Fifty-fifth Year of the Reign of His Majesty King *George* the Third shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament or in legal Instruments it shall be sufficient to use the Expression "The *Uttoxeter and Stoke* near *Stone* and *Millwich and Sandon* Turnpike Roads Act, 1851."

New Term and Tolls liable to Principal Monies.

III. That this Act and the Term and Tolls hereby granted shall be and the same are hereby made subject and liable to the Payment of the Sum of Six thousand seven hundred and eighty Pounds, the Principal Monies now due and owing or secured or made payable out of the Tolls authorized to be taken by virtue of the recited Act hereby repealed, together with Interest thereon after the Rate of One Pound *per Centum per Annum*, as fully and effectually, to all Intents and Purposes, as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be taken, but all existing Arrears of Interest thereon, except as herein-after provided, shall from and after the passing of this Act be absolutely extinguished: Provided always, that such Interest after the Rate of One Pound *per Centum per Annum* as aforesaid shall not commence or accrue due until after Payment of the Arrears of Interest mentioned in the Schedule to this Act.

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

IV. That all Arrears of Tolls or Rents or other Monies due to, and all Property, Real or Personal, and all Choses in and Rights of 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 for that Purpose may cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and act in respect thereof as effectually as if the same had become due to or had been vested in them under and by virtue of this Act.

V. That

Former Books to be Evidence.

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

Appointment of Trustees.

VI. That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Stafford*, together with *William Bycott*, *William Bowers*, *Robert Baker* the elder, *Thomas Bladon*, *Joseph Bladon*, *Thomas Birch*, *Thomas Earp*, *Samuel Garle*, *John Garle*, *George Hawley*, *Sampson Handley*, *Thomas Hall* (*Fradswell*), *Thomas Howe*, *Edward Harland* (Clerk), *Joseph Jenkinson*, *Francis Jenkinson*, *William Wilson King* (Clerk), *Josiah Knight*, *Henry Mountfort*, *John Minors*, *William Phillips*, *William Porter*, *Charles John Pinfold* (Clerk), *Francis Richardson*, *Thomas Rushton*, the Honourable *Dudley Ryder*, *George Stubbs*, *John Shemilt*, *William Shemilt*, *Herbert Taylor*, *Daniel Timmis*, *Thomas Turnor*, *William Vernon*, *John Walker*, *John Wooldridge*, 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.

VII. That it shall be lawful for the said Trustees 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.

First Meeting of Trustees.

VIII. That the said Trustees shall hold their First Meeting at the *Nicholl's Arms* Inn in *Coton* in the Parish of *Millwich* in the County of *Stafford*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Twentieth Day of *November* One thousand eight hundred and fifty-one, at the Hour of Twelve o'Clock at Noon, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

Power to appoint Committees.

IX. That the said Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

X. That

Roads to which this Act is applicable.

X. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Roads leading from *Uttoxeter* to *Stoke* near *Stone*, and from *Millwich* to *Sandon*, in the County of *Stafford*.

Present Tolls continued until the 29th Nov. 1851.

XI. 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, Toll Bars, or Chains to be continued or erected on or on the Sides of the said Roads until the Twenty-ninth Day of *November* One thousand eight hundred and fifty-one.

Power to take Tolls.

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

For every Horse, Mare, Gelding, or Mule drawing in any Coach, Chariot, Landau, Postchaise, Curricle, Gig, or other such Carriage, the Sum of Sixpence;

For every Horse, Mare, and Gelding, Mule or other Beast (except an Ass or Dog), drawing in any Waggon, Wain, Cart, or other Carriage, the Sum of Fourpence;

For every Horse, Mare, Gelding, Mule, or other Beast (except an Ass or Dog), laden or unladen, and not drawing, the Sum of One Penny Halfpenny;

For every Ass when drawing any Carriage the Sum of Twopence, and when not drawing any such Carriage the Sum of One Penny;

For every Carriage moved or propelled by Steam or Machinery, or by any Power or Agency other than Animal or Human Power, the Sum of One Shilling *per* Wheel for each Wheel thereof;

For every Dog drawing any Vehicle, Sledge, or Carriage, by whatsoever Name the same may be called, the Sum of One Penny;

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

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:

Which said Tolls shall be paid before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted to pass through any

any Toll Gate, Bar, or Chain which shall be by virtue of this Act upon or across the said Roads or on the Sides thereof.

Half Tolls only to be taken for Lime used as Manure.

XIII. Provided always, That only Half the Tolls herein-before granted and made payable for every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage shall be demanded or taken for any Horse, Mare, Gelding, Mule, or other Beast employed in drawing or conveying Lime or Limestones to be used for manuring Lands, or in going empty or returning empty when so employed.

As to the Fraction of a Halfpenny in Tolls.

XIV. 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.

Only Two full Tolls to be taken on the Roads.

XV. That no more than Two full Tolls shall be taken for passing and repassing in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty through all the Toll Gates, Toll Bars, or Chains erected or to be erected or continued on the said Roads.

Persons having paid Toll to return Toll-free.

XVI. That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Bar or Chain on any of the said Roads 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 or Toll Bar or Chain, and in going and returning, passing and repassing, through such other Gate or Toll Bar or Chain (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Postchaises to pay on every fresh Hiring.

XVII. 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.

Regulations as to Stage Coaches, &c.

XVIII. 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

any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar 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 Toll Gate or Bar 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.

Respecting Toll Gates.

XIX. That the several Toll Gates, Bars, Chains, and Toll Houses now standing and being upon the said present Turnpike Roads, 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 to order and cause to be set up in or across the said present Turnpike Roads, or on the Sides thereof, any Toll Gate, Bar, Chains, or Toll House, and to remove the present or any future Toll Gate, Bars, Chains, or Toll House: Provided always, that no Toll Gate shall be removed or set up on or across the said Roads, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Act of Ninth *George* the Fourth, Chapter 77.

Application of the Tolls.

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

1st, in paying and discharging the Expenses of obtaining and passing this Act or incident thereto:

2dly, in defraying the necessary Expenses of Management of the said Roads, but the Sum so applied shall not exceed the Sum of Twenty-five Pounds *per Annum*:

3dly, in Payment of the Sum of Sixty-eight Pounds *per Annum* rateably amongst the several Mortgagees named in the Schedule to this Act, or amongst the Persons for the Time being entitled thereto, for and on account of the several Sums of Money set opposite to their respective Names in the said Schedule (such Sums of Money being Arrears of Interest due to such Mortgagees respectively at the Date of the passing of this Act) until the same shall be fully paid and discharged, and from and after Payment and Satisfaction thereof then in Payment of Interest at the Rate of One Pound *per Centum per Annum* upon the said Principal Sum of Six thousand seven hundred and eighty Pounds now due on the Credit of the Tolls authorized

rized to be taken by the said Act hereby repealed, or upon such Part of the said Principal Sum as shall for the Time being remain unsatisfied:

4thly, as to the Residue of such Monies, the same shall be annually applied in equal Proportions to the following Purposes; that is to say, One Half Part thereof shall be applied in defraying the necessary Expenses of erecting, altering, and repairing Toll Gates, Toll Bars, Chains, and Toll Houses, and in maintaining, improving, and keeping in repair the said Roads, and putting this Act into execution with reference thereto, and the other Half Part thereof shall be applied in reducing, paying off, and discharging the said Principal Monies now owing upon the Credit of the Tolls authorized to be taken on the said Roads, or so much thereof as may for the Time being remain unsatisfied.

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

XXI. 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 next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon 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 Rent, 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 upon such existing Mortgages 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 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.

XXII. That

As to Mode of discharging Debt.

XXII. 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 the Persons entitled thereto, and shall, Twenty-eight Days at least before such General, Annual, or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same relate to the Application of such Sum, by Circular addressed to each Creditor at his last known Place of Abode, and forwarded to him by Post, 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 of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, 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 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 any Proposals relate, the Trustees may apply the Sums 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.

Trustees prohibited from borrowing any further Money.

XXIII. That it shall not be lawful for the Trustees after the passing of this Act to borrow any further Sum of Money in addition to the Monies which they have already borrowed.

Trustee or Clerk competent Witnesses.

XXIV. That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his

his Capacity of Trustee or Clerk, by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Roads not exempt from Provisions of any future General Act.

XXV. 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 Management of Turnpike Roads which may pass during the present or any future Session of Parliament.

Term of Act.

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

Interpretation of Terms.

XXVII. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

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

The Uttoxeter and Stoke near Stone and Millwich and Sandon Turnpike Roads Act, 1851.

SCHEDULE referred to in the foregoing Act.

Mortgagees entitled to Arrears of Interest.

	£	s.	d.
Lord Suffield - - -	30	0	0
Lord Bagot's Trustees - - -	43	10	0
Earl Harrowby - - - -	51	0	0
Earl Granville - - - -	37	10	0
John Wilkes Unett, Esquire - - -	27	0	0
James Gardner, Esquire - - -	56	5	0
Maxwell, or his Assigns - -	45	0	0
William Phillips, Esquire - - -	40	10	0
	£ 330	15	0

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