



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. xxxii.

An Act for repairing, amending, and maintaining the Road from *Congleton* in the County of *Chester* to a Branch of the *Leek* Turnpike Road at *Thatchmarsh Bottom* in the Parish of *Hartington* in the County of *Derby*, and from the *Lowe* to the *Havannah Mills* in the said County of *Chester*.

[8th April 1830.]

WHEREAS an Act was passed in the Twenty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for amending, widening, and keeping in repair the Road leading from Congleton to Colley Bridge, and from the said Bridge to Smithy Green, in the Parish of Prestbury in the County of Chester; and for setting out and making new Roads from Smithy Green aforesaid to join a Branch from the Leek Turnpike Road at Thatchmarsh Bottom in the Parish of Hartington in the said County of Derby, and from the first-mentioned Road to the Havannah Mills: And whereas another Act was passed in the Forty-ninth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for continuing the Term and enlarging the Powers of an Act of the Twenty-ninth Year of His present Majesty, for amending the Road leading from Congleton to Colley Bridge, and* 29 G. 3. c. 93. 49 G. 3. c. 88.*

[Local.]

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other

other Roads in the said Act mentioned, in the Counties of Chester and Derby: And whereas the Trustees appointed in or by virtue of the said Acts have proceeded to put the same into execution, and have borrowed and expended large Sums of Money, not only in amending and widening the said Roads leading from Congleton to Smithy Green aforesaid, but also in making the new Road from Smithy Green to join the Branch of the Leek Turnpike Road at Thatchmarsh Bottom, and in the Repair and Maintenance of all the Roads comprised in the said Acts; which Sums, together with a long Arrear of Interest, still remain due and owing on the Credit of the Tolls by the said Acts authorized to be taken on the said Roads, which cannot be paid off, nor can the Roads comprised in the said Acts be properly repaired, amended, and maintained, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased or altered: And whereas it is expedient that the said recited Acts should be repealed, and that further and other Powers and Provisions should be granted and made instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That upon the Day of the Commencement of this Act the said recited Acts passed in the Twenty-ninth and Forty-ninth Years of the Reign of His said late Majesty King George the Third shall be and the same are hereby declared to be repealed.

Former Acts repealed.

Recited Act to be put in execution for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of repairing, amending, and maintaining the Roads leading from *Congleton* in the County of *Chester* to the Branch of the *Leek* Turnpike Road at *Thatchmarsh Bottom* in the said Parish of *Hartington* in the County of *Derby*, and from the *Lowe* to the *Havannah Mills* in the said County of *Chester*.

Trustees appointed.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Chester*, and all His Majesty's Justices of the Peace for the Time being acting for the said County of *Derby*, together with *Gibbs Crawford Antrobus*, *William Anderton*, *John Barber*, *William Bent*, *Peter Browne*, *William Booth*, *David Brindley*, *James Bullock*, *John Birchenall*, *Joseph Brindley*, *John Bayley*, *Thomas Bullock*, *Samuel Broadhurst*, *Francis Brant Clerk*, *John Cooper*, *Thomas Critchley*, *Henry Critchley*, *William Cruttenden Cruttenden Clerk*, *John Curzon*, *James Casey*, *John Smith Daintry*, *John Daintry Clerk*, *Michael Daintry*, *Thomas Ryle Daintry*, *Hugh Ford*, *Rowland Gould*, *Thomas Grimsditch*, *David Hall*, *Philip Heacock*, *Joseph Holland*, *Thomas Hammond*, *William Hopes*, *Thomas Hope*, *Thomas Johnson*, *Joseph Lomas*, *Francis Newbold Clerk*, *William Newbold*, *James Pattison*, *Thomas Percival*, *Nathan Percival*, *John Pointon*, *Samuel Pearson*, *George Reade*, *William Reade*, *John Reade*, *George Reade the younger*, *John Robinson*, *Richard Simpson*, the Honourable *Lincoln Stanhope*, the Honourable *Leicester Stanhope*, the Honourable *Fitzroy Stanhope Clerk*, the Honourable *Henry Stanhope*, the Honourable *Henry Stanhope Clerk*, the Honourable

Augustus Stanhope, Abraham Slack, Samuel Stone, Clement Swetenham, Thomas Swanwich, John Thompstone, Edward Trafford Trafford, John Walker, Thomas Wildgoose, Anthony Wildgoose, Thomas Whyman, Thomas Ward, Daniel Ward, Charles Wood, and Richard Wood, and their Successors, being duly qualified to act as Trustees of Turnpike Roads, shall be and they are hereby appointed Trustees for repairing, amending, and maintaining the said Roads, and for otherwise putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads, (not exceeding Five in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons, so elected and appointed, shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the House known by the Name or Sign of the *Old Angel*, in the Town of *Macclesfield* in the said County of *Chester*, or at some other convenient Place near the said Roads, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Roads as they shall think proper.

First Meeting
of the Trus-
tees.

VI. And be it further enacted, That the several Tolls granted by the said last-recited Act shall be continued to be demanded and taken until Twelve of the Clock at Noon on the Tenth Day of *September* next after the Commencement of this Act, (when the Term of the several existing Leases of the said Tolls will expire,) and that then and from thenceforth it shall and may be lawful for the said Trustees, or any Person or Persons continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls or Sums of Money hereinafter mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates or Side Bars, or Chains, which are or shall be standing and being or continued or erected in, upon, across, or on the Side or Sides of the said Roads, or any of them, or any Part or Parts thereof; (that is to say,)

Tolls.

For each and every Horse or other Beast drawing any Coach, Stage Coach, Chariot, Landau, Berlin, Chaise, Phaeton, Diligence, Curricule, Calash, Sociable, Car, Chair, Gig, Whiskey, Caravan, Van, Hearse, Taxed Cart, or any other such like Carriage, the Sum of Sixpence :

For each and every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, or other such like Carriage upon Wheels, the Fellies of which are of the Breadth of Nine Inches or upwards, the

the Sum of Four-pence ; of the Breadth of Six Inches and under Nine Inches, the Sum of Five-pence ; and upon Wheels the Fellies of which are of less Breadth than Six Inches, the Sum of Sixpence : For each and every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny :

For every Ox, Cow, or Head of Neat Cattle, the Sum of One Halfpenny :

For every Sheep, Swine, or Lamb, the Sum of One Farthing.

Which said respective Tolls or Sums of Money shall or may be demanded and taken as aforesaid for every Time of passing through each and every of such Gates, Bars, and Chains, (subject to the Provisions herein-after contained,) before any Horse, Mule, Ass, or other Beast or Cattle whatsoever shall be permitted to pass through any such Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain ; and such several and respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Tolls to be paid but once for passing and repassing.

VII. Provided always, and be it further enacted, That when the full Toll shall have been paid for or in respect of any Horse or other Beast passing through any of the Toll Gates or Turnpikes, Side Gates or Side Bars, or Chains, erected or to be erected on the said Roads, such Horse or other Beast (except Horses drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage herein-after specified,) shall (on a Ticket being produced denoting such Payment) be permitted to go and return once through the same Toll Gates or Turnpikes, Side Gates or Side Bars, or Chains, Toll-free, the same Day, in respect of each Payment of Toll.

Fraction of a Halfpenny in Tolls.

VIII. And be it further enacted, That in all Cases when there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limiting the Number of Tolls.

IX. And be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls mentioned in this Act, to demand and take more than Two full Tolls in any One Day for or in respect of the same Horses, Beasts, or Cattle passing and repassing on the same Day through all the Toll Gates, Turnpikes, and Side Gates along the whole Line of the said Roads ; that is to say, not more than One full Toll between *Congleton* and *Smithy Green* aforesaid and the *Havannah Mills*, nor more than One full Toll between *Smithy Green* aforesaid and the Termination of the said Road at *Thatchmarsh Bottom* aforesaid ; such full Tolls being paid at the first Gate on each of such respective Parts of the said Road through which such Horses, Beasts, or Cattle shall pass, and the Ticket being produced denoting such Payment.

Stage Coaches, &c. to pay every Time.

X. Provided always, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Waggon, Cart, or other Stage Carriage

Carriage conveying any Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing along the said Roads or any of them.

XI. Provided also, and be it further enacted, That the Tolls payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or any of them, whenever any fresh Hiring thereof shall take place.

Post Chaises
to pay on
every fresh
Hiring.

XII. And whereas some Parts of the said Roads by this Act directed to be repaired lead over Moors and Waste Lands, and the Tolls by this Act granted may, by reason of the great Width of such Moors and Waste Lands, be easily avoided; be it therefore enacted, That it shall be lawful for the said Trustees, and they are hereby empowered (if they see Occasion) to cause to be made such Fences by the Sides of the said Roads, or upon, over, or across the said Moors and Waste Lands, in such Manner and Direction as they shall think necessary, so that the Payment of the said Tolls may not be avoided.

Fences to be
made on the
Sides of the
Road over
Moors and
Waste Lands.

XIII. And be it further enacted, That, notwithstanding any Law or Statute to the contrary, all Carts and other Carriages drawn by One Horse or other Beast shall be liable to be weighed at any Weighing Machine or Weighing Machines now erected, or which hereafter may be erected, upon or for the Benefit of the said Roads, in the same Manner as Carts and other Carriages drawn by any greater Number of Horses or other Beasts are now liable to be weighed by Law; and the Owners and Drivers thereof shall be liable to the same Penalties for refusing to suffer such Carts and other Carriages to be weighed, or for obstructing the Wheels being measured or gauged, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses are now liable by Law; and every such Cart or other Carriage drawn by One Horse or other Beast, which, together with the Loading thereof, shall weigh more than Thirty-five Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than Thirty Hundred Weight in Winter (to be computed from the First Day of *November* to the Thirtieth Day of *April*), shall pay, and it shall be lawful for the said Trustees (or any Person or Persons empowered by them to receive the Tolls mentioned in this Act) to receive and take, such and the same additional Tolls for Overweight as Carts or other Carriages drawn by Two or more Horses or other Beasts are liable to pay by Law.

One Horse
Carts to be
weighed.

XIV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls in this Act mentioned, together with the Monies which have been or shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied to and for the

Application
of Monies.

[*Local.*]

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the several Uses, Intents, and Purposes, and in the Order and Manner following; that is to say, in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto; secondly, (after Payment of all necessary Expences to be from Time to Time incurred in erecting or repairing Toll Gates, Toll Houses, Milestones or Posts, and Fences, and for Books and Stationery, Advertisements, Salaries of Officers, and other current Expences) in defraying the Expences of repairing, widening, improving, and amending the said Roads, and in executing other the Purposes of this Act; thirdly, in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls heretofore payable on the same Roads, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls hereafter to become payable on the said Roads; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been heretofore borrowed for the Purposes of the said recited Acts in respect of the said Roads, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing on account of the said Roads; provided that the Powers heretofore given by the General Turnpike Acts to the Mortgagees of the Roads shall not by any thing herein-before contained be defeated or lessened.

Enabling
Trustees to
agree with
adjoining
Trusts re-
specting
Tolls.

5 G. 3. c. 84.

13G.3.c.100.

33G.3. c.141.

XV. And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Road from Newcastle-under-Line to Hassop, and from Middlehills to the Macclesfield Turnpike Road near Buxton, and also the Road branching out of the said first-mentioned Road at Cobridge to Burslem, and to the Uttoxeter Turnpike at Shelton in the County of Stafford*: And whereas another Act was passed in the Thirteenth Year of His said late Majesty King *George* the Third, intituled *An Act to enlarge the Term and Powers of an Act made in the Fifth Year of His present Majesty, for repairing and widening the Road from Newcastle-under-Line to Hassop, and from Middlehills to the Macclesfield Turnpike Road near Buxton, and also the Road branching out of the first-mentioned Road at Cobridge to Burslem, and to the Uttoxeter Turnpike Road at Shelton in the County of Stafford, and for amending several other Roads adjoining thereto*: And whereas another Act was passed in the Twenty-third Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to enlarge the Terms and Powers of Two Acts of Parliament; the one passed in the Fifth Year of the Reign of His present Majesty, for repairing and widening the Road from Newcastle-under-Line to Hassop, and from Middlehills to the Macclesfield Turnpike Road near Buxton, and also the Road branching out of the said first-mentioned Road at Cobridge to Burslem, and to the Uttoxeter Turnpike Road at Shelton in the County of Stafford; and the other passed in the Thirteenth Year of the Reign of His said Majesty, to enlarge the Term and Powers of the said Act, and for*

amending several other Roads therein described: And whereas it was in and by the said recited Act of the Thirteenth Year of the Reign of His then present Majesty enacted, that the said Roads comprised in the said Act should be divided into Two Parts or Districts, and that the said Road from *Newcastle-under-Line* to the *Cock Inn* in the Town of *Leek*, and the Roads branching out of the same at *Cobridge* to *Burslem*, and to the *Uttoxeter* Road at *Shelton* aforesaid, should be and the same were thereby directed to be called the First District of the said Roads by the said Act intended to be repaired and widened; and that the said Road from the *Cock Inn* in the same Town of *Leek* to *Hassop*, and from *Middlehills* to the *Macclesfield* Turnpike Road near *Buxton*, should be and the same were thereby directed to be called the Second District of the Roads by the said Act intended to be repaired and widened: And whereas another Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of Three Acts of His present Majesty, for repairing the Road from Newcastle-under-Line to Hassop, and from Middlehills to the Macclesfield Turnpike Road near Buxton, and several other Roads therein described, in the Counties of Stafford and Derby, so far as such Acts relate to the Second District of the said Roads*: And whereas an Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing the Road from Brokencross in Macclesfield in the County of Chester to the Turnpike Road at Buxton in the County of Derby, and certain Branches of Road to communicate with the said Macclesfield Road, and for making a new Road from the Waters in Macclesfield to Buxton aforesaid*: And whereas the Line of Road hereby authorized, and the Roads made by virtue of the Four first-recited Acts, join at a certain Place called *Thatchmarsh Bottom*, and the Road made by virtue of the last-recited Act runs parallel with and crosses the Road hereby authorized and also the Road by the said Four recited Acts authorized, and all the said Three respective Roads are so intermixed at a Place called *Ax Edge* that it is expedient that the Trustees of this Act should be empowered to contract and agree with the Trustees acting under the Four recited Acts of the Fifth, Thirteenth, Twenty-third, and Fifty-fourth Years of His late Majesty King *George* the Third, and the Trustees acting under the recited Act of the Second Year of the Reign of His present Majesty, as to the Tolls to be taken by the Three respective Trusts at any Toll Bar already erected or which shall be hereafter erected on any of the said Three respective Trusts from the Division of the Counties of *Chester* and *Derby* and a certain Place called *Otter Hole*, near *Buxton*, and a Place called *Ladmanslow Bar*; be it therefore enacted, That it shall be lawful for the Trustees acting under this Act, and they are hereby fully authorized and empowered, at any of their Meetings, to enter into any Contract, Agreement, or Arrangement with the Trustees acting in execution of the said recited Acts passed in the Fifth, Thirteenth, Twenty-third, and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, and with the Trustees acting in execution of the said recited Act passed in the Second Year of the Reign of His present Majesty King *George* the Fourth, or with either of them, as to what Tolls the respective Trustees of the

the respective Trusts shall or may be entitled to demand and receive of or from any Person or Persons whomsoever travelling on the Roads of the said respective Trusts from the said Division of the said Counties of *Chester* and *Derby* and the said Place called *Otter Hole*, near *Buxton*, and the said *Ladmanslow Bar*.

No Money to be laid out on the Roads where there are no Turnpikes erected or Tolls taken.

XVI. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Branch Road, nor unless the said Tolls shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Branch Road than shall be collected thereon; and it shall not be lawful for the said Trustees to lay out or apply any Money borrowed or to be borrowed for the Purposes of this Act in or towards the Repair of any such Branch Road, except such Money as may be borrowed on the Credit of the Tolls to arise on such Branch Road only.

Not to repair Streets, &c. in Congleton.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to empower the said Trustees to lay out or apply any of the Money raised by the Tolls mentioned in this Act, or borrowed on the Credit thereof, in paving or repairing any Highway or Street within the Town of *Congleton*, or to collect any Tolls by virtue of this Act therein.

Public Act.

XVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Commencement and Continuance of this Act.

XIX. And be it further enacted, That this Act shall commence upon the Second *Tuesday* next after the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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