



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cvii.

An Act for repairing the Roads from *Prestwich* to *Bury* and *Radcliffe* in the County Palatine of *Lancaster*, and for making and maintaining as Turnpike certain other Roads in connexion therewith, all in the same County; and for other Purposes. [27th July 1857.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for repairing and improving the Roads* 2 & 3 W. 4. c. xcix. *from Prestwich to Bury and Ratcliffe in the County Palatine of Lancaster*: And whereas the Trustees for executing the recited Act have proceeded in the Execution of the same, and there is now due and owing upon the Credit of the Tolls thereby granted the Sum of One thousand one hundred and twenty-five Pounds: And whereas it would be of public Utility if the Trustees for executing this Act were empowered to make, adopt, and maintain as Turnpike the several Roads herein-after described, and if the same were placed under their Care and Management: And whereas Plans and Sections of the Roads proposed to be constructed, widened, and improved, and afterwards maintained by the Trustees (herein-after particularly described), showing the Lines and Levels thereof, with a Book of Reference to those Plans containing the Names of the Owners or reputed Owners,

[*Local.*]

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Lessees

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Lessees or reputed Lessees, and the Occupiers of the Lands through which such Roads will pass, have been deposited with the Clerks of the Peace for the County Palatine of *Lancaster* : And whereas it is expedient that the recited Act should be repealed, and that further and other Powers should be granted, as well for repairing and improving the present Roads as also for making and maintaining the said proposed Roads ; but the same cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows ; (that is to say,)

Recited Act repealed.

I. Upon the Commencement of this Act the recited Act of the Second Year of the Reign of His late Majesty King *William* the Fourth is repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression " *The Prestwich, Bury, and Radcliffe Roads Act, 1857.*"

Style of Trust.

III. The Roads comprised in this Act shall be called " *The Prestwich, Bury, and Radcliffe Roads,*" and the Trustees for executing this Act shall be styled " *The Trustees of the Prestwich, Bury, and Radcliffe Roads.*"

Interpretation of Terms.

IV. 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 include " *Corporation* ;"

The Expression " *the Trustees*" or " *the said Trustees*" shall mean the Trustees for the Time being for executing this Act ;

The Expression " *the Roads*" or " *the said Roads*" shall mean the existing Roads comprised in this Act, and the Roads in this Act authorized to be constructed, widened, maintained, and improved ;

The Word " *Toll-gates*" or " *Toll-gate*" shall include Turnpikes, Bars, Chains, and Side Gates ; and

The Word " *Lands*" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure.

Moneys and Property to vest in Trustees.

V. All Rents, Arrears of Rents, Tolls, Arrears of Tolls, and other Moneys due or reserved or belonging to, and all Moneys, Property, Books, Accounts, Papers, Writings, and other Things, and all Choses in Action vested in or belonging to 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 effectually

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effectually as if the same had been vested in them under the repealed Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the repealed Act were liable at the Repeal thereof.

VI. Subject to the Provisions of this Act, all Bonds, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person or Persons to or with the Trustees for executing the repealed Act, or with any of them, shall remain in full Force and Effect, and be and continue available in all Courts of Law and Equity, until the same be fully satisfied and performed on account and for the Benefit of the Trusts under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the repealed Act, or any of them, with or to any Person or Persons, for any Purpose relating to the Roads therein comprised, or to the Execution of the said Act, shall, except so far as the same are altered or otherwise provided for by this Act, 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, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof; and all Powers and Authorities vested in the Trustees acting under the repealed Act shall and may, notwithstanding the Repeal of such Act, be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act.

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

VII. All Books of Proceedings which have been kept by the Trustees acting in execution of the repealed Act or any previous Act relating to the Roads, or by their Treasurer or Clerk under their Direction, according to the Provisions of such Act or Acts, and made Evidence thereby, shall be admitted as Evidence in all Courts and by all Judges, Justices, and others.

Former Books to be Evidence.

VIII. All Her Majesty's Justices of the Peace for the Time being acting for the County Palatine of *Lancaster*, together with *William Allen (Stand)*, *Richard Bealey (Radcliffe)*, *Thomas Calrow (Woodhill)*, *James Richard Calrow (Woodlands)*, *John Clegg (Butt Hill)*, *James Clegg (Prestwich)*, *James Farrer (Stand)*, *John Grundy (the Dales, Stand)*, *John Grundy the younger (the Dales, Stand)*, *James Hutchinson (Broomhill)*, *Edward Smalley Hutchinson (Radcliffe)*, *Arthur Hutchinson (Radcliffe)*, *William Hutchinson (Woodbank)*, *John Richard Hutchinson (Woodbank)*, *John Hutchinson (Bury)*, *Samuel Holker (Starkies, Bury)*, *Thomas Hampson (Bowker Bank)*, *James Mather (Crow Oaks)*, *William Openshaw (Redvales)*, *Frederick Openshaw (Redvales)*, *Thomas Lomax Openshaw (Unsworth Lodge)*, *Robert Needham Phillips (the Park)*, *John Cross Richardson (Pilkington)*, *Thomas Statter (Stand)*, *William Henry Taylor (Stand)*, *Oliver Ormerod Walker the elder (Chesham)*, *Oliver Ormerod Walker the younger (Chesham)*, *John Walker (Irwell House)*,

Trustees appointed.

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House), *Richard Walker (Bellevue)*, *John Scholes Walker (Bury)*, *Nathan Walker (Radcliffe)*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for executing this Act.

Power to
appoint
additional
Trustees.

IX. It shall be lawful for the 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 appointed, and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of
Trustees.

X. The Trustees shall hold their First Meeting at the *Derby Hotel* in the Town of *Bury*, or at some other convenient Place in the Neighbourhood of the said Roads, on the Day of the Commencement of this Act, at Two of the Clock in the Afternoon, and proceed to the Execution of this Act, 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.

Description
of present
Roads.

XI. This Act shall be put in execution for the Purpose (amongst other things, as herein-after specified) of improving, maintaining, and keeping in repair the Roads herein-after mentioned; (that is to say,) the present Turnpike Road leading from a certain Place where formerly stood a certain House called *Highfield House* situate in *Rooden Lane* within the Township of *Prestwich*, by a certain Place called *Besses-o'th'-Barn* in the Township of *Pilkington*, and by the Village of *Whitefield* to the Boundary Line at or near *Blackford Bridge* which divides the Township of *Pilkington* from the Township of *Bury*, the present Turnpike Road from a certain Dwelling House situate at *Besses-o'th'-Barn* aforesaid, and late in the Occupation of *James Clegg*, by *Ditch Ash* in the Township of *Pilkington* aforesaid, to the Extremity of the said Road near *Radcliffe Bridge*, and the further Roads next herein-after mentioned and described.

Description
of new Roads
and Works.

XII. The Roads by this Act expressly authorized to be made, constructed, and widened, and maintained as Turnpike in connexion with the other Roads comprised in this Act are as follows; (that is to say,) a new Road commencing at and leading from and out of that Part of the present Turnpike Roads herein-before described which is situate at or near to certain Property and Dyeworks on the North-east Side of *Stand Lane* in the Township of *Pilkington* aforesaid, in Lease to *Peter Melling*, and terminating at and by a Junction with another Branch or Line of the same Turnpike Road in the Township of *Pilkington* aforesaid at or near the "*Derby Arms*" Public House in the Village of *Whitefield* aforesaid; a Road in connexion with and branching out of the proposed new Road from *Stand Lane* to *Whitefield* herein-before described at a Place called "*Goat's Gate Nook*," and leading

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leading in a southerly Direction to *Ditch Ash* in the Township of *Pilkington* aforesaid, and from thence leading in an easterly Direction to that other Part of the present Turnpike Roads herein-before described which is situate in front of the "*Church Inn*" in the Village of *Whitefield* aforesaid, by adopting and making Turnpike the existing Highways there; and the existing Road called and known as *Stand Lane*, commencing at a Point about Eighty Yards in a southerly Direction from *Radcliffe Bridge*, and terminating at a Point about One hundred and eighty Yards in the same Direction from the same Bridge.

XIII. It shall be lawful for the Trustees to set out, make, construct, widen, maintain, and improve the Roads described in the last preceding Section in the Lines and in and through the Lands delineated on the Plans and described in the Book of Reference, and according to the Levels shown upon the Sections herein-before mentioned, of such Width as they shall think proper, not exceeding Sixty Feet, together with all such Footpaths, Bridges, Embankments, Ditches, Drains, Fences, and other necessary Works upon or near thereto respectively as they may think requisite, and for those Purposes they may take possession of the Lands described on such Plans and in the Book of Reference thereto respectively, making Satisfaction for the same to the Owners thereof and other Persons interested therein for all Damage which such Owners or other Persons may respectively sustain thereby; and it shall be lawful for the Trustees and their Surveyor and Workmen from Time to Time to enter upon such Lands, and mark and stake out the same for the Purposes of this Act, at such Times and in such Manner as they shall think necessary or expedient.

New Roads to be made according to deposited Plans.

XIV. It shall be lawful for the Trustees in laying out and making the said new Roads to deviate from the Lines thereof to the Extent shown upon such Plans: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from such Lines, nor into the Lands of any Person not described in the Plans or in the Book of Reference, without the Consent in Writing of the Owner and Occupier of such Lands; and no Deviation shall be made from the Lines of the said Works where no Limits of Deviation are shown on such Plans.

Power to deviate from Plans;

XV. It shall be lawful for the Trustees to deviate from the Levels of the said Works as marked on the Sections so deposited as aforesaid to any Extent not exceeding Three Feet.

and from Levels on Sections.

XVI. The Works by this Act expressly authorized may be made in or through any Land delineated on such Plans, although such Land, or the Situation thereof, or the Names of the Owners, Lessees, or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in such Plans or Book of Reference, in case it

Lands may be taken notwithstanding Errors in Book of Reference, &c.

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shall

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shall appear to any Two or more Justices of the Peace for the said County Palatine of *Lancaster* in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission, Misstatement, or erroneous Description proceeded from Mistake, and the Certificate of such Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of the said County for the Time being.

Provisions of
8 & 9 Vict.
c. 18. not to
apply.

XVII. "The Lands Clauses Consolidation Act, 1845," does not apply to the Works by this Act authorized, nor is it incorporated with this Act.

As to Con-
struction of
certain Pro-
visions of
General
Turnpike
Acts.

XVIII. All the Clauses and Provisions of the Public General Acts now in force relating to Turnpike Roads in *England*, with respect to the Purchase, taking, and Sale of Lands for the Purpose of widening, diverting, altering, or improving any Road, the Conveyances of such Lands, the Compensation to be made for the same, and the making out of Titles thereto, shall (except where those Clauses and Provisions are inconsistent with the Provisions of this Act) extend and apply to the Lands to be purchased for the Purposes of this Act; but nothing in those Acts or any of them contained shall prevent the Trustees from taking or pulling down any Dwelling House or Building, or taking in or making use of any Garden, Yard, or Paddock, Park, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, which is delineated on the Plans so deposited as aforesaid, and described in the Book of Reference to such Plans, either with or without the Consent in Writing of the Owners, Proprietors, or other Persons interested therein.

Freehold,
&c. of Land,
to remain
vested in
Owners of
adjoining
Land.

XIX. In case any Lands shall be hereafter purchased by the Trustees for the Purpose of making or improving any Road mentioned in this Act, the Freehold and Inheritance in the Land so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure, the Estate and Interest therein, shall not (notwithstanding any Provision in any of the Acts now in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the Trustees, and the said Trustees shall, by means of such Purchase and Conveyance or Assurance, be entitled to a perpetual Right of Way in, over, or upon the Land so purchased.

Right of
Way to cease
when Lands

XX. Provided always, That if at any Time any Lands purchased by the Trustees under the Authority of this Act shall not be wanted
for

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for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

are not
wanted.

XXI. Upon and from the Formation and Opening of the new Road by this Act authorized to be made from the present Turnpike Roads at or near to certain Property and Dyeworks on the North-east Side of *Stand Lane*, in Lease to *Peter Melling*, to another Branch of the said Turnpike Road, near the *Derby Arms* Public House in the Village of *Whitefield*, the present Occupation Road and Footpath leading from "*Goat's Gate Nook*" in the Township of *Pilkington* and Parish of *Prestwich-cum-Oldham*, and running for the Distance of One thousand three hundred and sixty Yards or thereabouts in a Direction nearly parallel to such new Line of Road, and for which such new Line of Road will be a convenient Substitute, shall be permanently stopped up and discontinued, and all Rights of Way and Passage over and Liabilities to repair the same shall cease and determine.

Occupation
Road from
Goat's Gate
Nook to
Stand Lane
to be stopped
up.

XXII. The Trustees shall have the same Rights and Powers of cutting, digging, and using the Lands taken by them for the Purposes of this Act as they would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Lands.

Trustees to
have Power
of digging
and using
Land, &c.

XXIII. The Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of the Works by this Act authorized shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

Powers for
compulsory
Purchases
limited.

XXIV. The Works by this Act authorized and shown on the Plans may be completed within Four Years from the Commencement of this Act, and on the Expiration of that Period the Powers by this Act given for executing such Works shall cease to be exercised.

Period for
Completion
of Works.

XXV. The several Tolls which shall previous to the Commencement of this Act be collected and taken under the Powers conferred by the said Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, shall, notwithstanding the Repeal thereof, continue to be paid at the Toll Gates continued or to be erected on or on the Sides of the said Roads until the First *Monday* in *September* next after the passing of this Act.

Present
Tolls con-
tinued until
new ones
appointed.

XXVI. The several Toll Gates, Toll Houses, Weighing Machines, and Weighing-machine Houses now standing or being upon the Roads or any of them, or on or by the Sides thereof, shall be continued until removed by an Order of the Trustees; and it shall be lawful

Respecting
Toll Gates.

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lawful for the Trustees to order and cause to be erected, built, and set up in, upon, or across the Roads, and upon and by the Sides thereof or any Part thereof respectively, any Toll Gate and Toll House and any Weighing Machine and Weighing-machine House, and from Time to Time to remove the present or any future Toll Gates, Toll Houses, Weighing Machines, or Weighing-machine Houses as they shall think proper: Provided always, that no Toll Gate or Toll House which by this Act is authorized to be removed, maintained, or set up upon the Roads or by the Sides thereof shall be removed or set up upon or across the Roads or by the Sides thereof, except the same shall be ordered to be removed 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 the Ninth *George* the Fourth, Chapter Seventy-seven.

Power to
take Tolls.

XXVII. Upon and after the First *Monday* in *September* next after the passing of this Act, it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which shall be continued or set up by virtue of this Act in, upon, across, or on the Sides of the Roads or any of them such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Chair, Curricule, Calash, Hearse, Litter, or other such Carriage, the Sum of Three Halfpence:

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, the Sum of Twopence:

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage with Wheels of the Breadth of Six Inches as aforesaid and upwards and under Nine Inches, the Sum of Twopence Halfpenny:

For every Horse or other Beast drawing any Waggon or other such Four-wheeled Carriage with Wheels of less Breadth than Six Inches, the Sum of Fourpence Halfpenny:

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage with Wheels of the Breadth of Nine Inches as aforesaid, the Sum of Three Halfpence:

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage with Wheels of the Breadth of Six Inches as aforesaid, the Sum of Twopence:

For every Horse or other Beast drawing any Cart or other such Two-wheeled Carriage with Wheels of less Breadth than Six Inches, the Sum of Twopence Halfpenny:

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

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

For

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

For every Carriage propelled by Steam or Machinery without Horses or Beasts, for each Wheel on which the same shall run the Sum of One Shilling :

Which said Tolls shall be taken before any Horse or other Beast or Carriage whatsoever shall be permitted to pass through any Toll Gate which shall be continued, erected, or placed by virtue of this Act upon or across the Roads or on the Sides thereof.

XXVIII. 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. As to the Fraction of a Halfpenny in Tolls.

XXIX. 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 Tolls hereby authorized to be taken shall have been paid at any Toll Gate on the Roads or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted to re-pass once Toll-free through the same Toll Gate at any Time during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night. No Toll to be paid for re-passing.

XXX. In case the respective Tolls hereby authorized to be taken shall have been paid Three Times in any One Day (to be computed as aforesaid) for the passing of any Horse, Beast, Cattle, or other Animal or Thing liable to Toll or Duty through any Toll Gate continued or to be erected on the Roads, such Horse, Beast, Cattle, Animal, or Thing shall (except in the Cases herein-after mentioned), upon Tickets denoting such Payments being produced, be permitted to pass Toll-free through the same Toll Gate at which such Three Payments shall have been made at all Times during the same Day, to be computed as aforesaid. Tolls to be payable only Three Times a Day at One Gate.

XXXI. No more than the Number of full Tolls herein-after mentioned shall be taken for passing and re-passing once only in the same Day, to be computed as aforesaid, with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all or any of the Toll Gates continued or to be erected upon, across, or by the Side of the Roads ; (that is to say,) Limiting the Number of Tolls on the whole Line of Roads.

On the Road between the Place where formerly stood *Highfield House* aforesaid and the Boundary Line at or near *Blackford Bridge* which divides the Township of *Pilkington* from the Township of *Bury*, Two full Tolls ;

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On the Road between the Dwelling House at *Besses-o'th'-Barn* aforesaid, late in the Occupation of the said *James Clegg*, and *Radcliffe Bridge* aforesaid, Two full Tolls; and
 On the Road between the Dyeworks in *Stand Lane* and *Whitefield*, One full Toll.

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

XXXII. The Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or any Cart or Carriage whatsoever, conveying Passengers or Goods for Hire or Reward, shall be payable and paid for each Time of passing or re-passing through the Toll Gates on the Roads: Provided, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach or other such Carriage as aforesaid on account only of the Horses or Beasts drawing the same having been changed.

Postchaises
on every
fresh Hiring.

XXXIII. Provided also, That the Tolls hereby made payable shall be paid for all Horses or other Beasts drawing any Postchaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or other Beasts had been made in the same Day.

One-horse
Carts to be
weighed.

XXXIV. All Carts and other Carriages drawn by One Horse or Beast only shall be liable to be weighed at any Weighing Machine continued or erected by virtue of this Act upon or on the Sides of the Roads, in the same Manner as Carts and other Carriages drawn by Two or more Horses and 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 measuring and gauging of the Wheels of such Carts and other Carriages, as the Owners or Drivers of Carts or other Carriages drawn by Two or more Horses or other Beasts are now liable to 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 Hundredweight, shall pay, and it shall be lawful for the said Trustees or any Person empowered by them to receive the Tolls granted by 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.

Power to
borrow on
Mortgage.

XXXV. The Trustees may, for the Purposes of this Act, borrow by Mortgage of the Tolls to be collected upon the Roads (in addition to the said Sum of One thousand one hundred and twenty-five Pounds due and owing as before mentioned) any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, for such Period or Periods of Time not exceeding the Term by this Act granted, as they may see fit, and as may be expressed in the
 Mortgages

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Mortgages to be granted by the Trustees ; but it shall not be lawful for the Trustees to borrow after the passing of this Act more than such Sum of Ten thousand Pounds ; and when any Part of the Money so borrowed shall be paid off under the Provisions of this Act, the Trustees shall not reborrow the same or any Part thereof.

XXXVI. All Sums of Money borrowed by the Trustees on Mortgage of the Tolls to be collected on the Roads shall be applied in constructing, making, forming, widening, maintaining, and improving the new Roads and Works herein-before described, in fencing off such Roads respectively, and in erecting and providing Toll Houses and Toll Gates where necessary, with the necessary Appurtenances to the same.

Application
of Money to
be borrowed.

XXXVII. All Moneys which on the Commencement of this Act shall be in the Hands of the Trustees, and all Moneys which shall be received by them by virtue of this Act (except any Principal Money which shall be borrowed as before mentioned on Mortgage of the Tolls by this Act granted), shall be applied as follows ; (that is to say,)

Application
of Tolls.

Firstly, in defraying the Charges and Expenses of or incident to the obtaining and passing of this Act ;

Secondly, in defraying the Expenses of erecting, providing, altering, and repairing the Toll Gates, Toll Houses, and Weighing Machines, and their Appurtenances, the Salaries of Officers and other Persons employed by the Trustees, and the necessary Expenses of and incidental to the Management of the Roads ;

Thirdly, in paying off the said Principal Sum of One thousand one hundred and twenty-five Pounds, with any Interest that may have accrued due thereon ;

Fourthly, in paying Interest at the Rate of Four Pounds *per Centum per Annum* upon any Money borrowed and taken up at Interest under the Authority of this Act, and from Time to Time due on the Credit of the Tolls to be collected on the Roads ;

Fifthly, in setting apart annually the Sum of Eight hundred Pounds as a Sinking Fund, to be applied at such Time or Times and in such Amount or Amounts as the Trustees shall see fit in discharge of any Money borrowed and taken up at Interest under the Authority of this Act, until such Principal Money shall be fully paid off and discharged ; and

Lastly, in paying the Expenses of improving and keeping in repair the Roads.

XXXVIII. The Third Section of the Act of the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Eighty-seven, shall not apply to the Moneys to be borrowed and paid off under the Provisions of this Act.

Section 3. of
12 & 13 Vict.
c. 87. not to
apply.

XXXIX. Whenever and so long as the Interest upon the Debt for the Time being due according to the Provisions of this Act shall be

Mortgagees
not to take
possession

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but for Ar-
rears of
Interest.

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 shall be entitled to enter upon Possession of any Toll Gate, Toll House, or Building upon the Roads, or into the Receipt of the Tolls arising therefrom, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gate, Toll House, or Building, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due upon all the existing Mortgages in the Order by this Act directed, and without any Priority or Preference between Mortgages of the same Class, 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-eight Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk of the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same, and if it shall appear by any such Account that the Interest due on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied or provided for, then such Mortgagees 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 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 Tolls to
be taken or
Money laid
out in Towns.

XL. No Money shall be laid out on the Roads comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

Road not
exempted
from Pro-
visions of
General
Act.

XLI. Nothing herein contained shall be deemed to exempt the Roads 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.

Commence-
ment and
Term of
Act.

XLII. This Act shall commence on the Third *Friday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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