



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxxix.

An Act for the *Stockport* and *Ashton* Turnpike Roads in the Counties Palatine of *Chester* and *Lancaster*, and the County of *York*.

[14th July 1864.]

WHEREAS an Act was passed, in the Sixth Year of *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road from Stockport in the County Palatine of Chester to near New Houses in the County of York, and other Roads in the said Counties and in the County Palatine of Lancaster, and for making and maintaining several new Branches to communicate therewith*: And whereas the Term granted by that Act, and from Time to Time continued by divers Acts for continuing Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and sixty-four: And whereas the several Sums, amounting together to Five thousand two hundred and eighty-eight Pounds Ten Shillings, which are specified in the Schedule to this Act annexed are due on Mortgages of the Tolls granted by the recited Act, and cannot be paid off, nor can the Roads be effectually repaired, maintained, and improved, unless the Term of the recited Act be extended and further Provisions be made: And whereas Parts of the Roads maintainable under the recited Act are situate within the Boroughs of *Stockport* and *Ashton* respectively, and it is expedient that those Portions of Road be maintained and re-

6 G. 4.
c. xxvii.

Stockport and Ashton Roads Act, 1864.

paired in like Manner as other public Carriageroads there: And whereas it is expedient that the recited Act be repealed, and other Provisions be made instead thereof: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may for all Purposes be cited as "*Stockport and Ashton Roads Act, 1864.*"

Construction of Terms. 2. In this Act the following Words and Expressions have the following Meanings, unless excluded by the Subject or Context; (that is to say,)

The Expression "the Trustees" means the Trustees from Time to Time acting in the Execution of this Act, and they shall be called "the Trustees of the *Stockport and Ashton Roads*:"

The Expression "the Roads" means and includes the Roads to be maintained under this Act, and they shall be called "The *Stockport and Ashton Roads*:"

The Word "Toll-gate" means and includes all Toll-gates, Turnpikes, Toll Houses, Bar, and Chains from Time to Time set up across, upon, or by the Side of the Roads, or across any Highway or other Carriageway or Bridleway communicating with the Roads.

Existing Roads to be maintained. 3. This Act shall be put in execution for discharging the Debts specified in the Schedule to this Act annexed, and the Interest thereon, and for maintaining, repairing, and improving all such Parts as are not situate in either of the Boroughs of *Stockport* and *Ashton* of the Roads next herein-after described, that is to say, the Road from *New Bridge* near *Stockport* in the County Palatine of *Chester* to the End of *Guide Lane* in the County Palatine of *Lanaster*; and from the Cross in *Ashton-under-Lyne* in the County Palatine of *Lancaster* to or near to *New Houses* in the County of *York*; and also the Road branching out of the first-mentioned Road in the Township of *Bredbury* to *Mottram-in-Longdendale*, both in the County Palatine of *Chester*; and also the Road branching out of the Road in *Bredbury* to the Bridge over the River *Mersey* at *Portwood* near to the Town of *Stockport*; and also the Road commencing from or nearly from a Place called *Haddens* within *Quick Mere* in the County of *York*, extending in an Easterly Direction in one Part and in a Southerly Direction in another Part towards and ending at, in, or near to an Estate called *Shaw Hall* within *Shaw Mere* in the same Township, and thence communicating with the *Standedge and Mumps Brook* Turnpike Road; and also the Road from or nearly from the Coal Works formerly in the Occupation of Messrs. *Kenworthy* and *Swire*

Stockport and Ashton Roads Act, 1864.

Swire situate near to the Town of *Ashton-under-Lyne*, and extending in a South-westerly Direction towards and ending at or near to the Rectory House in the same Town; and also the Road commencing from or nearly from the End of *Bench Lane* in the Township of *Bredbury*, in the County Palatine of *Chester*, extending in a North-easterly Direction towards and ending at or near to the Turnpike at *Lingard Lane End* in *Bredbury*; and also the Road commencing from or nearly from the Watering Trough at the Side of the Road, and at or about Two hundred Yards from the Easterly End of the Public House, in the Township of *Hyde* in the County Palatine of *Chester*, known by the Sign of the *Black Eagle*, extending in a Northerly Direction towards and ending at or near to the Westerly End of a Way or Road called *Back Lane* leading from *Werneth* in the County Palatine of *Chester* to *Hyde*: Provided that the Parts situate in the Boroughs of *Stockport* and *Ashton-under-Lyne* respectively of those Roads, and which, therefore, although comprised in the recited Act, are not comprised in this Act, are the following Parts thereof; (that is to say,)

First, Road in *Stockport*, which after the Commencement of this Act shall be maintained and repaired in like Manner and by the same Persons as the other public Carriageways in the Township of *Brinnington*, the Road from *Portwood Bridge* in the Borough of *Stockport*, to the Extent of the Boundary of the Borough of *Stockport*, about Ninety-three Yards to the East of the Entrance Door to *Saint Paul's Church* in *Portwood* and Township of *Brinnington*, being of the Length of Eight hundred and ninety-three Yards or thereabouts, and all within the Borough of *Stockport*:

Secondly, Road in *Ashton-under-Lyne*, which, after the Commencement of this Act, shall be maintained and repaired in like Manner and by the same Persons as the other public Carriageways in the Borough of *Ashton-under-Lyne*; the Road from or near the Rectory House in the Borough of *Ashton-under-Lyne*, to within Twelve Yards of a new Road leading to *Hurst*; also the Road from the Cross in *Ashton-under-Lyne*, to the Junction with the said Road, leading from near the said Rectory House, and a Road commencing Sixty-six Yards Easterly of the said new Road, and extending to or near the *Odd Whim* Public House, on the Road from *Ashton* to *Mossley*, being of the Length of One thousand six hundred and sixty-four Yards or thereabouts, and all within the Borough of *Ashton-under-Lyne*.

4. All Her Majesty's Justices of the Peace from Time to Time acting for the Counties Palatine of *Lancaster* and *Chester* and the County of *York* respectively, and the Mayors of *Stockport*, *Ashton-under-Lyne*, and *Staleybridge* for the Time being, together with *Benjamin Ashton*, *James Ashton*, *Frank Andrew*, *George Andrew* of *Mossley*, *Jerry Andrew*, *Mark Andrew*, *Giles Andrew*, *Charles Andrew*,

Appoint-
ment of
Trustees.

Stockport and Ashton Roads Act, 1864.

*Andrew, James Arundale, Robert Shaw Buckley, Henry Barlow, Joshua Bruckshaw, David Hyde Buckley, Richard Buckley, James Buckley, John Boothroyd, Joseph Baxendell, John Bradbury, James Frederic Buckley, Charles James Buckley, Robert Hyde Buckley, Buckley Bent, Abel Buckley the younger, John Brooks, John Bentley, Michael Bateman, William Roby Barr, John Carlisle, Samuel Ratcliffe Carrington, David Shaw Clayton, John Ross Coulthart, John Chapman, Jeremiah Clay, George Chapman, Henry Coppock, Thomas Clay, John Thomas Cooke, John Eskrigge, William Linton Eskrigge, Francis Aylmer Frost, John Fletcher, Robert Joseph Fletcher John Foden, Joseph Fletcher, Henry Gartside, John Gartside, George Henry Grinshaw, Ralph Horsefield, David Harrison, Edward Hilton, Ephraim Hallam, Abel Heywood, Gracchus Hall, Cephas Howard, Lawrence Heyworth, Edward Carrington Howard, Cephas John Howard, Thomas Howard, Abel Harrison, John Kershaw, Benjamin Mellor Kenworthy, Charles Kershaw, Joseph Kershaw, James Kenworthy, John Kenworthy, Henry Lees, James Longson, James Marshall, Hugh Mason, Thomas Mottram, John Mayall the younger, Miles Mayall, Edmund Lees Mayall, George Mayall, Samuel Marsland, Thomas Walton Mellor, David M'Clure, Hamilton Martin, George John Newton, Orlando Oldham, William Peacock, the Rev. Charles Kenrick Prescott, John Peacock, Thomas Robinson, Thomas Rogerson, William Rayner, Allan Royle, Edward Lowe Sidebottom, George Shaw, Nathaniel Buckley Sutcliffe, Joseph Smethurst, James Schofield the younger, Daniel Shaw, Peter Merrill Slack, John Sidebotham, William Sidebotham, Thomas Thorneley, Samuel Thorneley, John Taylor Christopher Travis, William Collier Vaudrey, John Wood, Oldham Whittaker, James Wrigley, the Reverend Richard Whitelock, John Dicken Whitehead, Abel Buckley Wimpenny, John Wright, John Whittaker, Francis Frederick Whitehead, the Reverend James Whittaker, Edwin Whittaker, William Walton, William Williamson, and their Successors, being respectively duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for executing this Act.*

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

5. On the Commencement of this Act the recited Act of the Sixth Year of *George* the Fourth shall be by this Act repealed, and thenceforth this Act shall be put in execution during the Term and for the Purposes thereof.

Property of Trustees under recited Act vested in Trustees under this Act.

6. All Lands, Buildings, Toll Gates, Materials, Tools, and Apparatus, Rents and Tolls, Arrears of Rents and of Tolls, and other Monies, Books, Accounts, Deeds, Writings, Goods, Chattels and Choses in Action, and all other Estates, Property, and Effects, real and personal, and mixed, vested in or belonging to the Trustees under the recited Act, shall immediately on the Commencement of this Act vest in and belong to the Trustees, and (subject to the Provisions of this Act) the Trustees, with respect to the same, shall to all Intents represent the Trustees under the recited Act as if they
and

Stockport and Ashton Roads Act, 1864.

and the Trustees had originally been and had continued without Intermission to be One and the same Body.

7. Immediately on the passing of this Act the Trustees shall pay to the Local Board of Health for the Borough of *Stockport* the Sum of One hundred and fifty Pounds for putting into repair that Portion of the Road comprised in the first-recited Act, but not comprised in this Act, which is within the Borough of *Stockport*.

Payment to Local Board of Stockport for Repair of excepted Portion of Road.

8. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the Commencement of this Act done, suffered, and confirmed respectively under or by the recited Act, shall be as valid as if this Act were not passed; and the Repeal of the recited Act and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the Repeal had not happened would be incident to, or consequent on, everything so done, suffered, and confirmed respectively; and with respect to all Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Trustees shall to all Intents represent the Trustees under the recited Act; provided that the Generality of this Provision shall not be restricted by any of the other Provisions of this Act.

General saving of Rights under repealed Act.

9. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, all Conveyances, Assurances, Mortgages, Bonds, Securities, Covenants, Contracts, and Notices, made or entered into, or given by or to, or with respect to the Trustees under the recited Act, or thereby kept in force, shall remain in full force and effect, and continue and be available in all respects, for and against and with respect to the Trustees, as if the same had been made, entered into, or given by or to or with respect to the Trustees instead of the Trustees under the recited Act, and may be proceeded on and enforced as if the Trustees had been party or privy thereto, or referred to therein, instead of the Party actually party or privy thereto, or referred to therein, and all Assignments and Transfers of the Mortgages or Bonds shall remain in full Force and Effect, and be available accordingly, and the Mortgages shall be a Charge on the Roads and the Tolls under this Act.

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

10. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced by or against the Trustees under the recited Act before the Commencement of this Act shall not abate or be discontinued, or prejudicially affected by this Act, but shall continue and take effect, both in favour of and against the Trustees, in the same Manner to all Intents as if this Act had not been passed, save only that the Trustees shall be substituted therein for the Trustees under the recited Act.

Actions, &c. not to abate.

[*Local.*]

27 M

11. Not-

Stockport and Ashton Roads Act, 1864.

Former
Books to be
Evidence.

11. Notwithstanding the Repeal of the recited Act all Documents, Books, and Writings kept by the Trustees under the recited Act, and which if that Act were not repealed would be receivable in Evidence, shall be admitted as Evidence in all Courts and elsewhere accordingly.

Officers
continued.

12. Notwithstanding the Repeal of the recited Act, every Officer or Servant appointed by virtue of or acting under the recited Act shall hold and enjoy his Office and Employment, and be deemed an Officer or Servant of the Trustees until he be removed by the Trustees, and shall have the like Powers and Authorities for the Purposes of this Act, and be subject to the like Rules, Regulations, Pains, and Penalties as if he were appointed under this Act.

First and
other Meet-
ings of
Trustees.

13. The Trustees shall hold their First Meeting at the *Commercial Inn*, in *Ashton-under-Lyne*, or at some other convenient Place in the Neighbourhood of the Roads, at Noon, on the Second *Thursday* next after the Commencement of this Act, or as soon afterwards as conveniently may be, 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 Roads as they think proper.

Power to
appoint ad-
ditional
Trustees.

14. The Trustees from Time to Time at any of their Meetings may elect any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for executing this Act, in addition to the Trustees by this Act appointed, and the Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been appointed by this Act.

Committees
of Trustees.

15. The Trustees from Time to Time may appoint Committees of their own Number for executing any of the Purposes of this Act, and may prescribe the Quorum, Duties, Authorities, and Procedure of the Committees respectively, and every such Committee may proceed and act in accordance with their Appointment and the Instructions given to them by the Trustees, and shall be accountable to the Trustees accordingly.

Existing
Toll Gates
continued.

16. The several Toll Gates which at the Commencement of this Act are by virtue of the recited Act maintained, shall be continued, and the Trustees shall not be at liberty to erect any further or other Toll Gate or Toll Gates upon, across, or on the Side of the said Roads, or any of them, unless the Payment of Tolls at the present Gates at *Denton* or either of them can be avoided by the opening hereafter or heretofore, and after the Thirtieth Day of *November* One thousand eight hundred and sixty-three, of any Highway or Highways into the said Roads, and in case of the Erection of any new Toll Gate or Toll Gates which the Trustees are hereby empowered to erect, Tolls shall be collected at the same in respect of such Person

or

Stockport and Ashton Roads Act, 1864.

or Persons only as should or would have avoided Payment of Toll at the present Gates at *Denton* or either of them by passing with Horses, Cattle, Beasts, or Carriages over or along any such Highway or Highways.

17. The several Tolls now payable at the several Toll Gates erected and continued under the recited Act, or to be erected and continued under this Act, shall, except as herein-after provided, continue payable thereat; (that is to say,) Tolls.

There shall be demanded and taken by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse or other Beast or Cattle, Coach, Chaise, Waggon, Cart, or other Carriage shall be permitted to pass through any of the said Turnpikes or Toll Gates, or any of them; (that is to say,) Tolls to be taken.

For every Horse or other Beast drawing any Coach, Chariot, Hearse, Tolls.

or other such Four-wheeled Carriage, the Sum of Sixpence;

For every Horse or other Beast drawing any Curricule, Gig, or other Two-wheeled Carriage, the Sum of Sixpence;

For every Horse or other Beast drawing any Waggon or such other Carriage upon Three or Four Wheels of the Breadth of Nine Inches at the Bottom or Soles thereof, the Sum of Sixpence; of the Breadth of Six and less than Nine Inches, the Sum of One Shilling; and of a less Breadth than Six Inches and not less than Four and a Half Inches, the Sum of One Shilling and Threepence; of a less Breadth than Four and a Half Inches, the Sum of One Shilling and Sixpence;

For every Horse or other Beast drawing any Caravan or other such Four-wheeled Carriage used for the Conveyance of Goods, and built and constructed with Springs, the Sum of Sixpence;

For every Horse or other Beast drawing any Cart or other such Carriage with Two Wheels of the Breadth of Nine Inches at the Bottom or Soles thereof, the Sum of Threepence; of the Breadth of Six and less than Nine Inches, the Sum of Fivepence; of a less Breadth than Six and not less than Four and a Half Inches, the Sum of Sixpence Farthing; of a less Breadth than Four and a Half Inches, the Sum of Sevenpence Halfpenny;

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Three Halfpence;

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

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

Provided always, that in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls hereby granted and authorized to be taken, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part. As to the Fraction of a Halfpenny in Tolls.

18. When

Stockport and Ashton Roads Act, 1864.

Tolls to be paid but Once for passing and repassing except, &c.

18. When the full Toll shall have been paid in respect of any Horse or other Beast passing through any of the Turnpikes or Toll Gates erected or to be erected on the said Roads herein-before mentioned, the Person or Persons so paying the same shall (on producing a Ticket denoting such Payment) be permitted to return Toll-free before Twelve o'Clock at Night of the same Day, with the same Horse, Cattle, or Beast, except in the Cases of Horses or Beasts drawing any Waggon, Cart, or Carriage, laden (both on passing and returning) with the Weight of Five hundred Pounds or upwards, of One hundred and twelve Pounds to the Hundredweight, in which excepted Cases full Toll shall be paid when returning; but if any Person shall return or go a Third Time or oftener, on the same Day, with any Horse or Beast drawing any Carriage, or not drawing, through all or any of the said Turnpikes or Toll Gates, every such Person shall be again liable to pay the Tolls hereby granted and authorized to be taken, in the same Manner as such Person is and would have been in case he or she had not before on the same Day paid Toll at or passed through any of the said Turnpikes or Toll Gates.

Limiting the Number of Tolls to be paid on the same Day for passing through all the Bars.

19. Provided always, That no more than Three full Tolls shall be demanded or taken in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night,) for or in respect of the same Horses, Cattle, Beasts, or Carriages, for passing or repassing through all or any of the Turnpikes or Toll Gates maintained and supported by virtue of the Acts of Third *George* Fourth, Chapter One hundred and twenty-six, and Fourth *George* Fourth, Chapter Ninety-five, and this Act or either of them upon the said Roads, but all and every Person and Persons, after having paid Three full Tolls as aforesaid, and producing a Note or Ticket or Notes or Tickets denoting the Payment of such Tolls, shall afterwards pass with the same Horses, Cattle, Beasts, and Carriages Toll-free during such Day (to be computed as aforesaid) through all and every the Gate and Gates, Turnpike and Turnpikes, erected on the said Roads or across any Road or Way leading out of the same (except as herein-after mentioned), and all the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets gratis on Receipt of the Tolls in manner aforesaid.

Stage Coaches and Caravans to pay every Time of passing,

Postchaises on every new Hiring.

20. Provided also, That for or in respect of all Horses or other Beasts drawing any Stage Coach or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying Passengers or Goods for Hire or Reward, for which Toll shall have been paid by this Act granted, shall be paid for the repassing of the same through the said Turnpikes or Toll Gates in like Manner as if no Toll had been before due or paid on passing; and the said Tolls shall be paid for or in respect of all Horses or other Beasts drawing any Postchaise or other Carriages travelling for Hire, for every Time of their passing or repassing through the said Turnpikes or Toll Gates with a Ticket denoting a fresh

Stockport and Ashton Roads Act, 1864.

a fresh Hiring, anything herein-before contained to the contrary notwithstanding.

21. And whereas it frequently happens that Carts drawn by One Horse carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses: Be it enacted, That all Carts passing along the said Roads drawn by One Horse only shall and may be weighed at any Weighing Machine now erected on the said Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof as are by Law payable in respect of Overweight of Carts drawn by Two or more Horses, and all the Powers, Regulations, and Penalties 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 said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

One Horse
Carts may
be weighed.

22. The Provisions of "The Locomotive Act, 1861," apply to this Act with respect to Tolls and otherwise.

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

23. The Trustees from Time to Time, at Special Meetings called for the Purpose, may order that any Animal, Carriage, or Cart for which Toll is paid at any Toll Gate on the Roads may on the same Day pass Toll free, or at any reduced Rate of Toll, through any other of the Toll Gates on the Roads, and under such Regulations and upon such Terms as to Tickets or otherwise as the Trustees think fit.

Trustees
may order
any one
Toll Gate
to free
another.

24. All Monies which come to the Hands of the Trustees by virtue of this Act or the recited Act shall be applied as follows; (that is to say,)

Application
of Monies
and Tolls.

First, in defraying the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act, and the Sum of One hundred and fifty Pounds payable to the Local Board of *Stockport* under this Act as herein-before provided:

Secondly, in paying the Salaries of Officers and other Persons employed by the Trustees, and the necessary Expenses of the Management of the Roads, but the Amount so applied not to exceed One hundred and fifty Pounds a Year, exclusive of the Wages of Toll Collectors, and the Cost of erecting, altering, and repairing or renting Toll Gates, Toll Tables, and the Weighing Machine, and Expenses with respect to Actions, Proceedings before Magistrates, and Indictments:

Thirdly, in paying every Year Interest after the Rate of Four Pounds *per Centum per Annum* upon the several Principal Sums, amounting together to Five thousand two hundred and eighty-eight Pounds Ten Shillings, specified in the Schedule to this Act annexed, or so much thereof as from Time to Time is owing on the Credit of the Tolls, subject to this Proviso, that no Interest shall accrue on such Sums during such Time as the Expenses of this Act remain unpaid:

[*Local.*]

27 N

Fourthly,

Stockport and Ashton Roads Act, 1864.

Fourthly, in paying the Expenses of maintaining and repairing the Roads, but the Amount so applied not to exceed One thousand five hundred Pounds a Year :

Fifthly, in paying off, as by this Act provided, the Mortgage Debt of the Trustees.

No Toll Bar to be put up in Hurst, but Road to be repaired by the Corporation of Ashton-under-Lyne.

25. No Toll shall be collected on the Portion of the Turnpike Road in the Township of *Hurst* which intervenes between the Two Portions of Road in the Borough of *Ashton-under-Lyne*, but such Portion in the Township shall during the Continuance of this Act be repaired by the Mayor, Aldermen, and Burgesses of the Borough of *Ashton-under-Lyne*; and the Trustees in consideration of the Repair of that Portion of Road by that Corporation shall pay to such Corporation the annual Sum of Five Pounds, such Payment to be made on the Twenty-fifth Day of *March* in each Year, and the First Payment shall be made on the Twenty-fifth Day of *March* next after the Commencement of this Act.

Mortgagees to take Possession for Payment of Interest only.

26. Whenever and so long as the Interest at the Rate by this Act authorized upon the Mortgage Debt of the Trustees is duly paid within Six Months after it becomes due, no Mortgagee of the Tolls shall enter into possession of the Toll Gates, or into the Receipt of the Tolls or of the Rent payable on any letting of the Tolls until Twenty-eight Days after Demand in Writing made by the Mortgagee on the Clerk to the Trustees for Payment of the Interest, and Default made in Payment accordingly.

Duties of Mortgagees in Possession.

27. If any Mortgagee of the Tolls so enters into possession or receipt, he shall pay the Interest from Time to Time due and payable upon all the Mortgages, without any Preference, and may reimburse himself his lawful Costs, and every Mortgagee so in possession or receipt shall, within Twenty-one Days after every Thirty-first Day of *December*, render to the Clerk to the Trustees a full and true Account of his Receipts and Expenditure while so in possession or receipt, with proper Vouchers.

Delivery up of Possession by Mortgagee.

28. If it appear by any such Account that the Interest due on his Mortgage up to the then last Thirty-first of *December* and all such Costs are fully paid or provided for, then the Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) in his Hands, and deliver up the Possession and Receipt to the Trustees, or to any Person appointed by them to receive the same.

No further Monies to be borrowed.

29. It shall not be lawful for the Trustees to borrow any further Sum of Money on the Credit of the Tolls.

Tolls to be reduced when Debt paid off.

30. When and so soon as the Principal Sums specified in the Schedule to this Act annexed shall have been discharged the Trustees shall

Stockport and Ashton Roads Act, 1864.

shall and they are hereby required to make a rateable Deduction in the Amount of the respective Tolls demanded and taken by the Trustees at the respective Toll Gates which shall be upon or at the Side of the Roads; and it shall be lawful for the Trustees from Time to Time to raise and again to reduce such respective Tolls, so that such Sums of Money only may be received from the Tolls as will in the Judgment of the Trustees be sufficient for the Purposes of this Act after the Principal Sum of Money specified in the Schedule to this Act, and the Interest thereon, shall have been discharged.

31. Whenever the Money applicable to the Discharge of the Mortgage Debt of the Trustees amounts to Two hundred Pounds, or such less Sum as the Trustees think fit so to apply, they at some General, Annual, or other Meeting shall apply the Money in Payment of Part of the Mortgage Debt to some Person entitled thereto, and shall, Twenty-eight Days at least before the Meeting, give Notice of the Meeting, and the Purposes thereof, so far as the same relate to the Application of the Money, by Letter, sent by Post to every Mortgagee, directed to his usual or last known Place of Abode; and at the Meeting the Trustees shall apply the Money, or (as the Case requires) Part thereof, in or towards the Discharge of Part of the Mortgage Debt to the Mortgagee who by Proposal in Writing, transmitted to the Clerk to the Trustees before the Meeting, offered to accept the lowest Composition in respect of his Part of the Mortgage Debt, and after Payment to him shall apply the Surplus (if any) of the Money, or (as the Case requires) Part thereof, in or towards the Discharge of a further Part of the Mortgage Debt to the Mortgagee who by like Proposal offered to accept the next lowest Composition in respect of his Part of the Mortgage Debt, and so in like Manner until the Money so applicable is exhausted; and whenever Two or more Mortgagees by like Proposals offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between them, or may pay the Composition rateably to and among them as the Trustees think fit; and if there be not any such Proposal, or if there be any Surplus of the Money after applying it, so far as is necessary, in or towards Discharge of the Portions of the Mortgage Debts to which the Proposals relate, the Trustees, as they think fit, may pay the Money, or the Surplus thereof, rateably to and among the Mortgagees, or to such One or more of them as the Trustees may determine by Lot.

Mode of discharging Debt.

32. If and whenever the Trustees, after due Diligence, cannot find the Person entitled to receive and competent and willing to give a valid Discharge for any such Monies, the Trustees, if they think fit, may pay the same into the High Court of Chancery, under any Act then in force for the Relief of Trustees; and every such Payment into Court shall be an effectual Discharge of the Trustees

Provisions for Payment of Monies for which a valid Discharge cannot be given.

for

Stockport and Ashton Roads Act, 1864.

for the Money so paid as Payment thereof to the Party entitled thereto; and any Person afterwards showing to the Satisfaction of the Court Title thereto may obtain Payment thereof out of Court accordingly.

Roads not exempt from Provisions of General Acts.

33. Nothing in this Act contained shall exempt the Roads from the Provisions of any future General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads, or from the Provisions of any General Turnpike Act now in force, so far as those Provisions are consistent with the Provisions of this Act.

Commencement and Term of Act.

34. This Act shall commence with the First Day of *September* One thousand eight hundred and sixty four, and shall continue for the Term of Twenty-one Years from that Day inclusive, and thenceforth to the End of the then next Session of Parliament.

The SCHEDULE to which the foregoing Act refers.

No.	Present Mortgagees.	Sums owing.		
		£	s.	d.
1	Ashton, late Samuel, Representatives of	390	0	0
2	Ashton, Rector of	40	0	0
3	Barlow, Edward	17	10	0
4	Bentley, John	15	0	0
5	Dawson, late Rev. Jonathan, Executor and Executrix of	300	0	0
6	Egerton, late Wilbraham's Executors	344	0	0
7	Fletcher, late Ellis, Executors	400	0	0
8	Ferns, Miss Caroline	50	0	0
9	Fosbrooke, Rev. Philip	100	0	0
10	Grimshaw, late John, Executors of	82	10	0
11	Heap, Miss Mary	1,000	0	0
12	Horsfield, late Joseph, Executors	900	0	0
13	Leah, Samuel	700	0	0
14	Newton, late Captain James, Executors of	44	10	0
15	Redfern, late Joseph, Executors of	100	0	0
16	Sidebottom, E. L.	500	0	0
17	Shepley, James	105	0	0
18	York, Mrs. P. B.	200	0	0
		£	5,288	10 0

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.