



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lvii.

An Act to repeal the Act 10 *George IV.* Chapter 114., relating to the Turnpike Roads from *Hurdlow House* in the County of *Derby* to *Manchester* in the County Palatine of *Lancaster*, and to confer other Powers in lieu thereof.

[25th *May* 1860.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter One hundred and fourteen, intituled *An Act for more effectually repairing and otherwise improving the Roads from Hurdlow House in the County of Derby to Manchester in the County Palatine of Lancaster, and other Roads therein mentioned in the said Counties and in the County Palatine of Chester*: And whereas the Trustees appointed in and by virtue of the said Act and the Acts therein mentioned have proceeded to put the same into execution: And whereas the Term of the said Act will shortly expire, unless Parliament shall continue the same: And whereas the Principal Sums of Money still owing upon the Credit of the Tolls of the said Roads now amount to the Sum of Forty-five thousand six hundred and ninety-three Pounds Eight Shillings: And whereas since the passing of the said Act Railways have been established between the Termini of the said Roads, which have greatly reduced the Income of the

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said Trustees, and prevented the Repayment of the Monies so borrowed within the Term limited by the said Act: And whereas, notwithstanding such Reduction of Income, the said Trustees have annually paid off a Portion of the said Principal Monies borrowed, and it is estimated that the present Income of the Trustees will enable them to wholly discharge the Liabilities of the Trust in Twenty-one Years: And whereas the said Sums cannot be paid off unless such further Term be granted: And whereas a Portion of the said Roads, as to the whole Width thereof, is situate within the Boundaries of the Borough of *Stockport*, and it is expedient that the Maintenance and Repair of such Portion should be transferred to the respective Boards of Surveyors of the Highways of the Townships of *Stockport* and *Heaton Norris*, within which Townships the said Borough is situated, so far as such Roads as to the whole Width thereof lie within such respective Townships and Boroughs: And whereas such Purposes as '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, as follows; that is to say,

Recited Act
repealed.

I. On and after the Twenty-ninth Day of *October* next after the passing of this Act the said recited Act passed in the Session of Parliament held in the Tenth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and this Act shall thenceforth be put in execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. This Act may be cited for all Purposes as "*The Manchester and Buxton Turnpike Trusts Continuance Act, 1860.*"

Interpreta-
tion of
Terms.

III. 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 Expression "the Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

The Words "Toll Gates" or "Toll Gate" shall include Turnpikes, Bars, Chains, Side Gates, and Weighing Machines:

The Expression "the Road" shall mean all the Roads to which this Act applies.

Convey-
ances, &c.
under former
Act to con-
tinue in
force.

IV. Subject to the Provisions of this Act, all Bonds, Mortgages, Conveyances, Covenants, Agreements, Contracts, and Securities made or entered into by any Person to or with the Trustees for executing the Act hereby repealed, or by any other Act therein mentioned, 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

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and for the Benefit of the Trustees under this Act; and all Bonds, Mortgages, Bargains, Contracts, Agreements, or Notices made, entered into, or given by or by virtue of the Act hereby repealed, or of any other Act therein mentioned, or by the Trustees for executing the same, with or to any Person for any Purpose relating to the Roads therein respectively comprised, or to the Execution of such Act, and all Assignments and Transfers of such Bonds and Mortgages, shall, except so far as the same are varied, 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, subject to the Provisions of this Act, all such Bonds and Mortgages shall be a Charge on the Road and the Tolls thereof in such and the same Manner as if the same had been given by the Trustees acting under the Act hereby repealed, or of any other Act therein mentioned; and all Powers and Authorities vested in the Trustees acting under the Act hereby repealed shall and may, notwithstanding such Repeal, be executed by the same Trustees until the First Meeting of the Trustees appointed by this Act.

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

Former
Books to be
Evidence.

VI. All Monies due to, and all Property, Lands, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging to the Trustees under the Act hereby repealed, shall immediately on the Commencement of this Act be vested in and belong to the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof as effectually as if the same had been vested in and belonged to them under such repealed Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the Act hereby repealed were liable at the Repeal thereof, except in so far as those Debts and Engagements are by this Act varied, extinguished, or discharged.

Monies and
Property to
vest in new
Trustees.

VII. Any Action, Suit, Prosecution, or other Proceeding commenced by or against the Trustees under the said 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 said recited Act.

Actions, &c.
not to abate.

VIII. The

*The Manchester and Buxton Turnpike Trusts Continuance Act, 1860.*Officers
continued.

VIII. The Clerks, Treasurer, Surveyor, and all other Officers or Servants appointed by virtue of or under the said recited Act shall hold and enjoy their Offices and Employments, with the Salaries thereunto annexed, and be deemed Officers and Servants of the Trustees, until they shall respectively 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 and Regulations, as if they had been appointed under this Act.

Appoint-
ment of
Trustees.

IX. All Her Majesty's Justices of the Peace acting for the Counties Palatine of *Lancaster* and *Chester* or either of them, and for the County of *Derby*, respectively, together with *William Cunliffe Brooks*, *Henry John Baxter*, *Benjamin Bower*, *Edward Brooke*, *Peter William Brooke*, *Charles Baker*, *Thomas Barnes*, *John William Boothman*, *Thomas Birley*, *David Shaw Clayton*, *Henry Coppock*, *Samuel Radcliffe Carrington*, *William Courtenay Cruttenden*, *George Drinkwater*, *Reginald Darwin*, *John Farmer*, *Thomas Fernley*, *Edward Barnes Fernley*, *William Fleming M.D.*, *John Grimshaw*, *Davenport Goodman*, *Edward Carrington Howard*, *John Howard*, *John Pennington Legh*, *Alfred Lowe*, *John Rowson Lingard*, *John Marsland Lingard*, *Charles Marsland John Moss*, *James Marshall*, *Joshua Marriott*, *Thomas Hyde Marriott*, *Robert McClure*, *Francis Philips*, *George Henry Philips*, *George Peel*, *Daniel Shaw*, *Edmund Howard Sykes*, *Thomas Hardcastle Sykes*, *David Shaw*, *John James Schmidt*, *Thomas Swann*, the Reverend *Joseph Taylor* Clerk, *John Vaughan*, and *John Lingard Vaughan*, the Reverend *Henry Wright* Clerk, *George Wilkinson*, the Members of Parliament for the City of *Manchester* and the Borough of *Stockport* for the Time being, the Mayors of *Manchester* and *Stockport* for the Time being, *William Bradshaw*, *Thomas Broadbent*, *Samuel Watts*, *Ivie Mackie*, *Henry Pershouse*, *Samuel Duckers*, *Abraham Smith*, *William Henry Heys*, *Joseph Heaward*, *William Rayner M.D.*, *Mortimer Lavater Tait*, *Christopher Travis*, *William Williamson*, *James Sidebotham*, and *Samuel Wright Wilkinson*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to
appoint
additional
Trustees.

X. It shall be lawful for the Trustees, from Time to Time, 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 Five in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated, and also, when and so often as any Trustees hereby nominated shall die or refuse to act, to nominate, elect, and appoint One other Person to be a Trustee in the Room or Stead of the Trustee so dying or refusing to act, and such Trustees so elected shall have the same Power and Powers for executing this Act as if they had been hereby appointed.

XI. The

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XI. The Trustees shall hold their First Meeting in some convenient Place in *Stockport* aforesaid upon the Twenty-ninth Day of *October* next after the passing of this Act, or as soon after as conveniently may be, and shall then, and from Time to Time thereafter, adjourn to and meet at such Times and Places as they shall think proper.

First Meeting of Trustees.

XII. Subject to the Provisions herein-after contained, this Act shall be put into execution for the Purpose of improving, maintaining, and keeping in repair the Roads herein-after described; (that is to say,)

Roads to which this Act is applicable.

The Roads from *Hurdlow House* in the County of *Derby*, through *Buxton*, *Whaley*, *Disley*, *Hazel Grove*, and *Stockport*, to *Grey Street* in the Borough of *Manchester* in the County Palatine of *Lancaster*, and from *Hernestone Lane Head* and *Sparrowpit Gate*, through *Chapel-en-le-Frith*, all in the said County of *Derby*, to *Whaley* in the said County Palatine of *Chester*, and from or near *Barmoor Clough*, near the Town of *Chapel-en-le-Frith* aforesaid, to *Fairfield* near *Buxton* aforesaid.

XIII. Immediately after the passing of this Act such Portion of the Road as is, as to the whole Width thereof, situate within the Boundaries of the said Borough of *Stockport*, shall no longer be under the Management of and shall not be maintained or repaired by the Trustees of the said Road, nor shall the said Trustees levy any Tolls on such Portion of the Road, or have any Powers or be subject to any Responsibility connected therewith, and the same shall, from and after such last-mentioned Day, be managed, maintained, and repaired by the respective Boards of Surveyors of the Highways for the respective Townships of *Stockport* and *Heaton Norris*, so far as such Portion of the Road lies as to the whole Width thereof, within such respective Townships and Borough; and that immediately on the passing of this Act the Trustees shall pay to the Surveyors of the Highways of the respective Townships of *Stockport* and *Heaton Norris* the Sum of Two hundred and fifty Pounds each for the Repair of that Portion of the Road which has been by this Act transferred for Repair to those Townships respectively.

Management of Portion of Road within the Borough of Stockport.

XIV. 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 to be continued or erected on or on the Sides of the Road until the First Day of *January* One thousand eight hundred and sixty-one.

Present Tolls to continue for a Time.

XV. The Toll Gates now standing or being on the Road or on the Sides thereof shall be continued until removed by Order of the Trustees; and it shall be lawful for the Trustees, subject to the Provisions of this Act and of an Act of the Ninth Year of the Reign of King *George* the Fourth, Chapter Seventy-seven, with reference to continuing and erecting Toll Gates and Toll Houses, to order and cause to

Toll Gates to be continued until removed by Order of the Trustees.

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be erected and set up, in, upon, or across the Road or on the Sides thereof, any Toll Gate or Toll Gates, and to remove the present or any future Toll Gate or Toll Gates, as they shall think proper: Provided always, that at the Expiration of Seven Years from the Twenty-fourth Day of *August* One thousand eight hundred and sixty it shall be the Duty of the Trustees to remove the *Longsight* Toll Bar, and from and after such Period as aforesaid it shall not be lawful for them to maintain any Toll Gate on the said Roads nearer to *Manchester* than the *Rushford* Toll Gate.

Power to
take Tolls
herein men-
tioned.

XVI. On and after the First Day of *January* One thousand eight hundred and sixty-one it shall be lawful for the Trustees to demand and take or cause to be demanded and taken the Tolls or Sums of Money herein-after mentioned, or such Sum or Sums, not exceeding the respective Sums or Tolls herein-after mentioned, as the Trustees at any of their Meetings from Time to Time shall think proper and order to be taken at the several and respective Toll Gates which are or shall be standing and being or continued or erected by virtue of this Act; (that is to say,)

For every Horse or Beast drawing any Coach, Chariot, Hearse, or other such Carriage with more than Two Wheels, when there are Two or more such Horses or Beasts, the Sum of Sixpence; and when there is only One such Horse or Beast, the Sum of Eightpence:

For every Horse or Beast drawing any Curricule, Gig, or other such Two-wheeled Carriage, when there are Two or more such Horses or Beasts, the Sum of Fourpence Halfpenny; and when there is only One such Horse or Beast, the Sum of Sixpence:

For every Horse or Beast drawing any Waggon or other such Carriage with Four Wheels of the Breadth of Four Inches and a Half or upwards at the Bottom or Sole thereof, as follows; (that is to say,) when there is only One such Horse or Beast, the Sum of One Shilling; and when there is a greater Number of Horses or Beasts (not exceeding Four), the Sum of One Shilling for the First and the further Sum of Threepence for every additional Horse or Beast; and when the Number of such Horses or Beasts shall exceed Four, the Sum of One Shilling each: And

For every Horse or Beast drawing any Waggon or other such Carriage with Wheels of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, as follows; that is to say, when there is only One such Horse or Beast, the Sum of One Shilling and Sixpence; and when there is a greater Number of Horses or Beasts, the Sum of One Shilling and Sixpence for the First and the further Sum of Sixpence for every additional Horse or Beast:

For every Horse or Beast drawing any Carriage commonly known by the Name of a Van or a Caravan, or other such Carriage, used for the Conveyance of Goods, and constructed with Springs, as follows;

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follows; that is to say, when there are Four such Horses or Beasts, the Sum of Ninepence; when there are Three such Horses or Beasts, the Sum of Tenpence; and when there is a less Number, the Sum of One Shilling:

For every Horse or Beast drawing any Cart or other such Carriage with Two Wheels, as follows; that is to say, when there is only One such Horse or Beast, the Sum of Sixpence; and when there is a greater Number of Horses or Beasts, the Sum of Sixpence for the First and the further Sum of Threepence for every additional Horse or Beast:

For every Carriage propelled or moved along the Road by Machinery or otherwise than by Animal Power, the Sum of One Shilling for each Wheel of such Carriage:

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

For every Ox or Neat Cattle, the Sum of One Penny: And

For every Calf, Pig, Sheep, or Lamb, the Sum of One Halfpenny.

XVII. In every Case where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls hereby granted 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.

XVIII. One Half only of the Tolls hereby granted shall be demanded and taken at the several Toll Bars called the *Longsight Bar*, the *Rushford Bar*, and the *Heaton Chapel Bar*, or at any other Toll Bars which shall by virtue of this Act be erected in lieu thereof or of any of them, or in addition thereto, in the said County of *Lancaster*, and Two Third Parts only of such Tolls shall be demanded and taken in respect of Carts drawn by One Horse or Beast only at the several Bars called the *Sandiway Head Bar*, the *Cockyard Bar*, the *Briarton Bar*, and the *Fernilee Bar*, or at any other Bars which shall be erected by virtue of this Act in lieu thereof or in addition thereto in the County of *Derby*. One Half Toll to be taken at the Bars between Manchester and Stockport, and Two Third Parts only in Derbyshire, for One Horse Carts.

XIX. Provided always, That no Person who shall have paid the Tolls hereby granted at either of the Toll Bars called the *Cockyard Bar* and the *Sandiway Head Bar* shall be liable on the same Day to the Payment of Tolls at the other of them, or at any other or others to be erected in lieu thereof, upon producing a Note or Ticket denoting such Payment. Persons paying Toll at either the Cockyard and the Sandiway Head Bars not to pay at the other.

XX. Every Person who shall have paid full Toll on passing through any of the Toll Bars now erected or which may hereafter be erected by virtue of this Act shall (on producing a Ticket denoting such Payment) be permitted to return Toll-free before Twelve of the Clock at Night of the same Day with the same Horse or Beast, unless in the Cases of Horses or Beasts drawing any Waggon, Cart, or Carriage laden, both on passing and returning, with the Weight of Five Hundredweight or upwards, Tolls to be paid but once for passing and repassing, except when repassing laden.

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upwards, of One hundred and twelve Pounds to the Hundredweight, in which Cases full Toll shall be also paid when returning; but nothing herein contained shall empower the said Trustees to demand or take the Tolls hereby granted at more than Seven of the Toll Bars now erected or to be erected by virtue of this Act on One and the same Day in respect of the same Horses or Beasts.

Tolls payable again after passing and re-passing.

XXI. If any Person shall pass or go a Third Time or oftener on the same Day (such Day to be computed from Twelve of the Clock in One Night to Twelve of the Clock in the next succeeding Night) with any Horse or Beast, drawing or not drawing, through all or any of the said Toll Bars, every such Person shall be liable and compellable again to pay the Tolls hereby imposed, in the same Manner as such Person would have been liable in case he had not before on the same Day paid Toll or passed through any of the said Toll Bars.

Stage Coaches, &c. to pay every Time of passing; Postchaises on every new Hiring.

XXII. For and in respect of all Horses or Beasts drawing any Stage Coach or Caravan, and also in respect of all Horses or Beasts drawing any Carriage whatever, employed in carrying Passengers or Goods for more than One Person, for Hire or Reward, and also in respect of all Horses or Beasts drawing any Postchaise or other such Carriage travelling for Hire (if hired afresh), the Tolls by this Act granted shall be paid as well for returning as passing through all or any of the Bars now erected or to be erected by virtue of this Act.

One Horse Carts to be weighed.

XXIII. All Carts or other such Carriages passing along the Road drawn by only One Horse, Beast, or Cattle shall and may be weighed at any Weighing Machine on the Road, and the like additional Tolls demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts or other Carriages drawn by Two or more Horses shall be applicable to Carts or other Carriages passing on the Road drawn by only One Horse, Beast, or Cattle, or to the Drivers and Owners thereof.

For weighing Timber and other such Carriages.

XXIV. And whereas Difficulties arise in the weighing of Carriages with Four Wheels used for the Conveyance of Timber and other Purposes, which it is desirable to obviate: Be it therefore enacted, That all such Carriages passing along the said Roads which are or may be so constructed as that all the Wheels thereof cannot be placed at One Time upon any Weighing Machine erected or to be erected upon the said Roads, the same shall and may be weighed at twice, that is to say, the Two fore Wheels thereof and the Loading thereon shall be first drawn upon such Weighing Machines and weighed, and afterwards the hind Wheels and the Loading thereon, and the aggregate of

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of the Weights so ascertained shall be deemed the actual Weight of such Carriage and the Loading thereof, and the Persons using or driving the same shall be liable to the same Tolls or Penalties for Overweight as other Persons are liable to by Law.

XXV. And whereas the Provisions and Regulations allowing specified Weights to be carried in Waggons and Carts according to the Width of the Wheels thereof are evaded by the Tires of such Wheels being so constructed as not to run or press upon a Surface equal to the actual Width thereof: Be it therefore enacted, That from and after the passing of this Act every Waggon, Cart, or other such Carriage passing along the said Roads having Wheels of the Breadth of Nine Inches or more, the Tires of which do not press the Breadth of Nine Inches upon a level Surface, or the Tires of which deviate Three Quarters of an Inch from a flat Surface, shall be allowed the same Weight only and be subject to the same Toll as Waggons, Carts, and other such Carriages having Wheels of the Breadth of Six Inches; and every Waggon, Cart, or other such Carriage having Wheels of the Breadth of Six Inches and less than Nine Inches, the Tires of which do not press the Breadth of Six Inches upon a level Surface, or the Tires of which deviate Half an Inch from a flat Surface, shall be allowed the same Weight only and be subject to the same Toll as Waggons, Carts, and other such Carriages having Wheels of the Breadth of Four and a Half Inches; and every Waggon, Cart, or other such Carriage having Wheels of the Breadth of Four and a Half and less than Six Inches, the Tires of which do not press the Breadth of Four and a Half Inches upon a level Surface, or the Tires of which deviate a Quarter of an Inch from a flat Surface, shall be allowed the same Weight only and be subject to the same Toll as Waggons, Carts, and other such Carriages having Wheels of the Breadth of Three Inches.

As to Tolls to be levied for Waggons, &c. with Wheels constructed as herein named.

XXVI. No Exemption from Toll for Overweight in respect of any Horse or Beast drawing any Waggons, Carts, or Carriages laden with Manure shall be claimed or allowed unless the Tires of the Wheels of such Waggons, Carts, or Carriages shall actually press the Breadth of Six Inches upon a flat Surface; and no Exemption from the Tolls hereby granted shall be allowed or claimed in respect of any Horse or Beast drawing any Waggons or Carts laden with Materials for making or repairing any Roads not included in this Act; anything contained in any Act of Parliament relating to Turnpike Roads in *England* to the contrary notwithstanding.

No Exemption from Toll for Overweight in respect of Carts laden with Manure, &c.

XXVII. All Monies which shall 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.

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, and incidental thereto:

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Secondly,

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Secondly, in defraying the herein-before mentioned Sums of Two hundred and fifty Pounds, and in the necessary Expenses of altering and repairing of Toll Houses and Toll Gates, the Salaries of Officers, and the other Costs and incidental Expenses attending the Management of the Road, to an Amount not exceeding Four hundred Pounds *per Annum*, exclusive of the Wages of the Toll Collectors, and of the Cost of erecting new Toll Houses, if necessary, and of any Expenses to which the Trustees may be put in commencing, prosecuting, or defending Suits or Actions at Law, or in Proceedings before Magistrates, or in preferring or defending any Indictment in relation to the Road, or in relation to any Proceedings for the Protection of the Trust arising from Disputes with Railway Companies :

Thirdly, in paying the Interest due and to become due upon the Principal Sum of Forty-five thousand six hundred and ninety-three Pounds Eight Shillings owing on the Security of the Road, or such Part of such Sum as shall for the Time being remain due and owing, at the Rate of Three Pounds Ten Shillings *per Cent. per Annum*, subject to this Proviso, that no Interest shall accrue on such Debt during such Time as the Expenses of this Act remain unpaid :

Fourthly, in discharging the Expenses of maintaining, repairing, and improving the Road, to an Amount not exceeding Two thousand five hundred Pounds during the First Year ensuing after the Commencement of this Act, and to an Amount not exceeding Two thousand Pounds during any subsequent Year :

Fifthly, in paying off and discharging, in the Manner prescribed by this Act, the several Principal Sums owing on the Security of the Road.

Mortgagees to take possession for Arrears of Interest only.

XXVIII. Whenever and so long as the Interest upon the Mortgage Debts for the Time being respectively due, according to the Provisions of this Act, shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the Tolls shall be entitled to enter into possession of the Toll Gates upon the Road, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls.

Trustees not to borrow more Money on Mortgage.

XXIX. The Trustees shall not borrow any further Sum on Mortgage, anything in any Act relating to Turnpike Roads in *England* notwithstanding.

As to Mode of discharging Debt.

XXX. When and so often as the Sum applicable to the Discharge of the said Principal Monies shall amount to the Sum of Two 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, so long as the Principal Sums,

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Sums, or any of them, or any Part of such Sums, shall remain due and owing; 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 relates to the Application of such Sum, in some public Newspaper or Newspapers usually circulated in the Counties Palatine of *Lancaster* and *Chester*, or either of them, or by Letters sent by Post addressed to each Creditor entitled as aforesaid at his usual Place of Abode; and at such Meeting the Trustees shall apply such Sum or a Portion thereof (as the Case may require) in or towards the Discharge of Monies owing on the Security of the Tolls to the Creditor entitled as aforesaid who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of the Principal Monies due to him, 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 same Tolls to the Creditor entitled as aforesaid 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 Payment shall be exhausted; and if and whenever Two or more Creditors entitled 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 shall 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 such Proposals relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors, or may determine by Lot or otherwise, as the Trustees think fit, to which of the Creditors the same shall be paid.

XXXI. It shall be lawful for the Trustees, where it appears to them convenient so to do, to apply any Money arising from Sums set apart as required by this Act in or towards the Discharge of Debts according to the Directions of the Act, although such Monies may not amount to Two hundred Pounds, or, with the Consent in Writing of One of Her Majesty's Principal Secretaries of State under his Hand, to postpone such Application of such Monies until the same amount to a greater Sum than Two hundred Pounds, which the said Trustees, with such Consent as aforesaid, may determine.

Sinking
Fund may
be applied in
Payment of
Debts, &c.

XXXII. The Trustees shall not be bound to see to the Execution of any Trust, whether expressed, implied, or constructive, to which any Sum

Trustees not
bound by
Trusts

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Sums owing.

Sum of Money owing or which shall be borrowed or become owing on the Credit of the Tolls may be subject; and the Receipt of the Party who shall appear in the Book of Mortgages of the Trustees to be entitled to any such Sum of Money, or if Two or more Parties shall so appear entitled, the Receipt of any One of such Parties, shall from Time to Time be a sufficient Discharge to the Trustees and their Treasurer for such Sum of Money, and for any Interest payable in respect thereof, notwithstanding any Trust to which such Sum may then be subject, and whether or not the Trustees, or their Treasurer, Clerk, or other Officer, shall have had Notice of such Trust; and the Trustees shall not be bound to see to the Application of the Money paid upon such Receipt.

Road not
exempt from
Provisions of
General
Acts.

XXXIII. Nothing herein contained shall be deemed to exempt the Road 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.

Commence-
ment and
Term of Act.

XXXIV. This Act, except as herein provided, shall commence on the Twenty-ninth Day of *October* 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: Provided always, that when and so soon as the whole of the Principal Sums mentioned in the Schedule to this Act shall have been paid off, the Trustees shall not collect nor (except as herein-after is provided) lay out any Money on the said Road; and the Trustees shall, within a Period of Six Months after the said Principal Sums shall have been paid off, cause to be pulled down the Toll Houses of the said Trustees, and shall sell and dispose of the Materials of the same and other Property belonging to or vested in them as such Trustees, and shall apply the net Proceeds arising from such Sale or Disposition in repairing, maintaining, and improving the said Road; and from and after the Payment of such Principal Sums the said Road shall cease to be a Turnpike Road, and shall be repaired as public Highways, in such and the same Manner as public Highways are repairable by Law: Provided always, that if any of such Toll Houses shall be situate on Land adjoining to the said Roads, so that the same do not encroach upon the general Width of the said Roads between the Fences at the Place in question, the Trustees may, if they shall think fit, offer to sell the same to the Person owning the Frontage of the Land immediately adjoining such Toll House, and if such Person refuse to purchase the same, the Trustees shall then cause the same to be pulled down and disposed of as herein-before provided.

Provision as
to the Dis-
continuance
of Tolls and
Disposition
of Property
of the Trust.

The Manchester and Buxton Turnpike Trusts Continuance Act, 1860.

SCHEDULE referred to in Act.

No.	Names of Creditors.	Amount of Principal.		
		£	s.	d.
1	Bentley, John - - - - -	2,466	0	0
2	Butterly Ironworks Company - - - - -	276	0	0
3	Chorlton, Isaac, Executors of - - - - -	700	0	0
4	Gresswell, Rev. W. P., Executors of - - - - -	500	0	0
5	Grinshaw, John - - - - -	276	0	0
6	Hewitt, Thomas, Executors of - - - - -	3,014	0	0
7	Holt, Mary Ann Oford - - - - -	7,868	0	0
8	Leigh, James, Executors of - - - - -	92	0	0
9	Lingard, John, Executors of - - - - -	92	0	0
10	Lowe, Alfred - - - - -	2,007	6	11
11	Lowe, Rev. Joseph - - - - -	92	0	8
12	Mobberly School, Trustees of - - - - -	184	0	0
13	Mallory, Rev. George - - - - -	2,000	0	0
14	Matchitt, Henry - - - - -	1,000	0	0
15	Murray, Lady, Trustees of - - - - -	5,567	8	0
16	Peel, Rev. Frederick - - - - -	5,138	11	11
17	Perrin, William - - - - -	460	0	0
18	Phillips, F. A., Executors of - - - - -	7,000	0	0
19	Hindley Leigh - - - - -	2,000	0	0
20	Hoskins, Lady, Trustees of - - - - -	2,000	0	0
21	Quartly, Miss Harriet Jane - - - - -	284	0	0
22	Shaw, Mrs. Mary - - - - -	275	0	0
23	Shaw, Matthew, Executors of - - - - -	366	0	0
	Carried forward - - - - -	43,658	7	6

[Local.]

8 N.

*The Manchester and Buxton Turnpike Trusts Continuance Act, 1860.*SCHEDULE—*continued.*

No.	Names of Creditors.	Amount of Principal.		
	Brought forward - - - - -	£ 43,658	s. 7	d. 6
24	Stevenson, Mrs. Mary - - - - -	118	9	0
25	Shelmerdin, Robert - - - - -	368	0	0
26	Seddon, Ralph - - - - -	276	0	0
27	Taylor, Thomas Travers - - - - -	230	0	0
28	Trustees of Hulme's Estate - - - - -	112	11	6
29	Vaughan, John - - - - -	423	0	0
30	Worthington, Miss Catherine - - - - -	92	0	0
31	Wood, John, Executors of - - - - -	368	0	0
32	Whalley, Poor of - - - - -	47	0	0
		£45,693	8	0

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