



ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

Cap. ciii.

An Act for more effectually repairing the Road leading from *Wem* to the Lime Rocks at *Bronygarth* in the County of *Salop*, and for making several Lines of Road connected with the same in the Counties of *Salop* and *Denbigh*.

[21st July 1856.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for repairing and widening the Road leading from Wem in the County of Salop to the Lime Rocks at Bronygarth, and several other Roads in the Counties of Salop and Denbigh:* 11 G. 3. c. 95.
 And whereas an Act was passed in the Thirty-seventh Year of the Reign of His said Majesty, intituled *An Act for reviving, continuing, and amending an Act passed in the Eleventh Year of His present Majesty, for repairing and widening the Road leading from Wem in the County of Salop to the Lime Rocks at Bronygarth, and several other Roads in the Counties of Salop and Denbigh:* 37 G. 3. c. 151.
 And whereas an Act was passed in the Fifty-eighth Year of the Reign of His said Majesty, intituled *An Act for continuing the Term and enlarging the Powers of Two Acts of the Eleventh and Thirty-seventh Years of His present Majesty, for repairing the Road leading from Wem in the County of Salop to the Lime Rocks at Bronygarth, and several other Roads in the Counties of Salop and Denbigh, for repairing and* 58 G. 3. c. xxix.
 [Local.] 18 D diverting

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diverting the Road leading out of the said Road from Wem to Bronygarth into the Turnpike Road leading from Ellesmere to Wrexham, and for repealing so much of the said Acts as relates to a certain Part of the said Roads: And whereas the Trustees acting by virtue of the said recited Acts have proceeded to carry the same into execution, and have borrowed and expended large Sums of Money upon the Credit of the Tolls thereby authorized to be taken for and towards the Amendment, Repair, and Maintenance of the several Roads comprised and mentioned in the said recited Acts, a great Part of which Money still remains due and cannot be repaid, nor can the said Roads nor the Roads herein-after mentioned be effectually amended, improved, made, and kept in repair unless the Term and Powers of the said Acts be further continued, extended, and varied: And whereas the making, forming, repairing, diverting, improving, and maintaining the several Lines of Road herein-after described, and placing the same under the Care and Management of the Trustees for executing this Act, will be a Work of public Utility: And whereas, for the Purposes herein-after mentioned, it is expedient that the several recited Acts should be repealed, and that further and more effectual Powers should be granted instead thereof; but such Purposes 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 Acts repealed, and this Act to be put in force.

I. That from and after the passing of this Act the said recited Acts of the Eleventh Year of the Reign of His Majesty King *George* the Third, the Thirty-seventh Year of the Reign of His said Majesty, and the Fifty-eighth Year of the Reign of His said Majesty, shall be and the same are hereby repealed, and this Act shall thereafter be put in execution for and during the Term and for the Purposes herein-after mentioned.

All Monies due under recited Acts vested in Trustees under this Act.

II. That all Rents and Arrears of Tolls and other Monies due to, and all Property and Choses in Action vested in or belonging to, the Trustees under the Acts hereby repealed, shall immediately on the passing 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 the said recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Acts were liable at the Repeal thereof.

Construction of Terms.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something

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something in the Subject or Context repugnant to such Construction ;
(that is to say,)

The Word " Person " shall include Corporation :

The Expression " the Trustees " shall mean the Trustees for the
Time being for executing this Act :

The Expression " the Roads " shall mean the Roads to which this
Act applies :

The Word " Turnpike " shall include Toll Gate, Toll House, Bar,
and Chain.

IV. That in citing this Act for any Purpose, it shall be sufficient Short Title.
to use the Expression " The *Wem and Bronygarth Roads Act, 1856.*"

V. That all Her Majesty's Justices of the Peace for the Time being Trustees.
acting for the Counties of *Salop, Denbigh, and Flint*, together with
Samuel Bayley, George Bennett, Henry John Barker, Samuel Hol-
linsed Burrows Clerk, *William Aldrich Cotton, John David Day*
Clerk, *Robert Myddleton Dymock, John Dickin, Stephen Donne* Clerk,
Richard Ellerton, William Hurst Clerk, *David Jones* Clerk, *John*
Jones of Shelbrook, John Lister, Thomas Lowe, Thomas Longueville
Longueville, Joseph Maude Clerk, *Edward Morrall, John Morrall*
Clerk, *William Francis Oswell, John Croxon Phillips* Clerk, *Richard*
Steele Perkins, William David Rees Clerk, *Alexander Reid, John*
Stanton, John Skerratte Stubbs, George Stanton, George Salter, John
Vaughan, John Walford, Richard Wynne, and Edward Williams,
and their Successors, being duly qualified to act as Trustees of Turn-
pike Roads in *England*, shall be Trustees for putting this Act into
execution.

VI. That it shall be lawful for the said Trustees, at any Meeting to Power to
be holden in pursuance of this Act, to elect any Number of Persons appoint
being duly qualified to act as Trustees of Turnpike Roads in *England*, additional
not exceeding Three in the whole, to be Trustees for the Purposes Trustees.
of this Act, in addition to the Trustees hereby nominated, and such
Persons so elected shall have the same Powers and Authorities for
executing this Act as if they had been hereby appointed.

VII. That the said Trustees shall hold their First Meeting at the First Meet-
Cross Keys Hotel at Oswestry in the County of *Salop*, or at some ing of
other convenient House or Place in such County, on the Second Trustees.
Thursday next after the passing of this Act, and shall then and from
Time to Time adjourn to and meet at such Times and Places at, near,
or upon the said Roads as they shall think proper.

VIII. That this Act shall be put in execution for and during the Description
Term herein-after mentioned for the Purpose of improving and keep- of Roads to
ing in repair the Roads herein-after mentioned ; (that is to say,) be improved
and kept in

The Road commencing at the North End of the Plantation near repair.
the Rectory in *Wem*, and terminating at the Corner of *Oteley*
Park,

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Park, where it joins the Turnpike Road leading from *Shrewsbury* to *Ellesmere*, and commencing again at the Boundary Stone marked with the Letters E. T. L., and One hundred and twenty Yards from the present Turnpike Gate at *Trimpley* in the Town of *Ellesmere*, and leading from thence across the *London and Holyhead* Turnpike Road in the Parish of *Saint Martin* to the present *Brookside* Turnpike Gate in the said Parish of *Saint Martin* :

The Road from *Horton* (in the Way from *Wem* to *Ellesmere*) to its Junction with the said Turnpike Road from *Shrewsbury* to *Ellesmere* at *Burlton*, all of which Roads are situated in the County of *Salop* :

The Road leading out of the said Road from *Wem* to the present *Brookside* Turnpike Gate at or near *Ifton Heath* into the Turnpike Road from *Ellesmere* to *Wrexham* near *Overton*, and called "The *Overton* Branch," which said Roads shall form the District of Roads herein-after called "The First District."

New Lines of Road to be made according to deposited Plans.

IX. That inasmuch as Plans and Sections of certain Lines of Road, together with a Book of Reference thereto, have been deposited at the Offices of the several Clerks of the Peace for the Counties of *Salop* and *Denbigh*, the said Trustees may make, complete, and maintain such Lines of Road respectively as herein-after described in the Lines, and in and through the Land delineated on such Plans, and described in such Book of Reference, and according to the Levels shown upon such Sections, 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 the Purposes aforesaid they may take possession of the Land described on such Plans and Book of Reference, making Satisfaction to the Owners thereof and other Persons interested therein for all Damage which such Owners or other Persons may respectively sustain thereby, and the Trustees and their Surveyor and Workmen may from Time to Time enter upon such Land, and mark and stake out the same for the Purposes of this Act, at such Times and in such Manner as they may think necessary or expedient.

Description of new Roads.

X. That the Roads by this Act authorized to be so made and completed, and afterwards maintained, are as follows; (that is to say,)

A Road commencing at or near to the Toll Gate at *Bronygarth* in the Parish of *Saint Martin* in the County of *Salop*, and terminating at or near to a certain Bridge called *Pontfadog* upon the River *Ceiriog* in the Parish of *Llangollen* in the County of *Denbigh* :

A Road commencing at or near to the said Bridge called *Pontfadog* in the said Parish of *Llangollen*, passing near to or through the Village of *Llansaintffraid Glyn Ceiriog* to a certain Bridge over

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over the River *Ceiriog* in or near to the Village of *Llanarmon Dyffryn Ceiriog*, both in the said County of *Denbigh* :

A Road leading out of the present Highway from *Llansaintffraid Glyn Ceiriog* to *Llanarmon Dyffryn Ceiriog* at or near to the Junction of the River *Teirw* with the said River *Ceiriog*, and from thence by the Valley of the *Teirw* into the Highway leading to *Nantyr* at or near to a Farmhouse called "the *Bonk*" in the Parish of *Llansaintffraid Glyn Ceiriog* aforesaid: Provided always, that the Trustees shall not be required to make the said Road from the Junction of the River *Teirw* to the Farmhouse called "the *Bonk*," unless a sufficient Sum of Money be subscribed for that express Purpose :

And a Road commencing at or leading out of the first described Road at or near to certain Lime Kilns at *Bronygarth* aforesaid, and terminating at a certain Bridge over the River *Ceiriog* called *Pont Faen* in the said Parish of *Saint Martin* and County of *Salop*; which said Roads shall form the District of Roads herein-after called "the Second District."

XI. That the Trustees may, in the Construction of the Works by this Act authorized, deviate from the Lines thereof to the Extent delineated upon such Plans, but not to any greater Extent in passing through a Town or Lands continuously built upon than Ten Yards, and not to any greater Extent between *Pont Faen* and *Pont Fadog* than Forty Yards, and elsewhere than One hundred Yards, from such Lines, nor in any Case into any Lands not described in the Plans or the Book of Reference without the Consent in Writing of the Owner and Occupier of such Land, and no Deviation shall be made from the Lines of the said Works where no Limits of Deviation are shown on such Plans: Provided always, that no Gradient between *Pont Faen* and *Pont Fadog* shall be steeper than One in Eighteen in any Place.

Power to deviate from Plans.

XII. That the Trustees may deviate from the Levels of the said Works as marked on such Sections to any Extent not exceeding Three Feet, except as herein-before provided.

Power to deviate from Levels on Sections.

XIII. That the Works by this Act 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 shall appear to any Two or more Justices of the Peace for the Counties of *Salop* or *Denbigh* in which such Land shall be situated, in Petty Sessions assembled, and be certified in Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake, and the Certificate of such Justices shall be deposited with

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

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and remain in the Custody of the Clerks of the Peace of such Counties for the Time being.

8 & 9 Vict.
c. 18. not to
apply to this
Act.

XIV. That 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.

XV. That all the Clauses and Provisions of the Public General Acts now in force relating to Turnpike Roads in *England* with respect to the taking, Purchase, 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 (except where such Clauses and Provisions are inconsistent with this Act), extend and apply to the Land to be purchased for the Purpose 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 enclosed 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 such Plans and described in such Book of Reference, either with or without the Consent in Writing of the Owners, Proprietors, or other Persons interested therein.

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

XVI. That the Freehold and Inheritance in the Land so purchased 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 shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Owners for the Time being of the adjoining Land from which the same shall have been taken, subject to a perpetual Right of Way in, over, or upon the Land so purchased.

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

XVII. That the Trustees shall have the same Rights and Powers of digging, cutting, and using the Land taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Arch thereon, as they would have had in case they had purchased the Fee Simple or the whole Estate and Interest in such Land.

Powers for
compulsory
Purchases
limited.

XVIII. That the Powers of the Trustees for the compulsory Purchase of Land for the Purposes of the Works by this Act authorized, and shown on such Plans, shall not be exercised after the Expiration of Three Years from the Commencement of this Act.

XIX. That

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XIX. That the Works by this Act authorized and shown on such Plans may be completed within Five Years from the Commencement of this Act, and at the Expiration of that Period the Powers by this Act given for executing the same shall cease to be exercised. Period for Completion of Works.

XX. That upon and after the passing of this Act it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take at the several and respective Turnpikes, or Toll Gates or Toll Houses, or Side Bars or Side Gates, or Chains, which are or is or shall be standing or being or continued or erected by virtue of this Act in, upon, across, or on the Side or Sides of the said Roads, or any Part thereof, such Tolls as the Trustees from Time to Time shall appoint, not exceeding the several Tolls following; (that is to say,) Power to take Tolls.

On the First District as aforesaid :

For every Horse or other Beast (except an Ass) drawing any Coach, Landau, Chariot, Chaise, Phaeton, Caravan, Hearse, Litter, Omnibus, Chair, Gig, Tax Cart, Wain, Waggon, Cart, Sledge, or other such like Carriage, Fourpence Halfpenny ;

For every Carriage with Four Wheels affixed to any Waggon, Cart, or other Carriage, Sixpence ;

For every Carriage with Two Wheels affixed to any Waggon, Cart, or other Carriage, Threepence ;

For every Ass drawing any such Carriage, Twopence ;

For every Carriage or Vehicle drawn or propelled by Steam or Machinery, or by any other Power than animal or manual Power, One Shilling for each Wheel of such Carriage or Vehicle ;

For every Horse, or other Beast of Burden not drawing, One Penny Halfpenny ;

For every Ox, Cow, or other Neat Cattle, One Halfpenny ;

For every Calf, Sheep, Swine, or Lamb, One Farthing :

And upon the Second District as follows :

For every Horse or other Beast (except an Ass) drawing any Coach, Landau, Chariot, Chaise, Phaeton, Caravan, Hearse, Litter, Omnibus, Chair, Gig, Tax Cart, Wain, Waggon, Cart, Sledge, or other such like Carriage, Sixpence ;

For every Carriage with Four Wheels affixed to any Waggon, Cart, or other Carriage, Sixpence ;

For every Carriage with Two Wheels affixed to any Waggon, Cart, or other Carriage, Threepence ;

For every Ass drawing any such Carriage, Twopence ;

For every Carriage or Vehicle drawn or propelled by Steam or Machinery, or by any other Power than animal or manual Power, One Shilling for each Wheel of such Carriage or Vehicle ;

For every Horse or other Beast of Burden not drawing, One Penny Halfpenny ;

For

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For every Ox, Cow, or other Neat Cattle, One Halfpenny ;
 For every Calf, Sheep, Swine, or Lamb, One Farthing :
 Which said respective Tolls or Sums of Money shall be paid before any Horse, Beast, Cattle, Animal, or Carriage whatever in respect of which a Toll is payable shall pass through any such Turnpike or Toll Gate, Side Bar or Side Gate, or Chain ; and such respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied in manner herein-after mentioned.

Present
Tolls con-
tinued for a
Term.

XXI. That, notwithstanding the Repeal of the said recited Acts, 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 Roads called the First District until the First Day of *May* One thousand eight hundred and fifty-seven.

As to the
Fraction of
a Halfpenny
in Tolls.

XXII. That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part.

Tolls to be
paid but
once for
passing and
repassing.

XXIII. That in case the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, Cattle, Animal, or Carriage through any of such Turnpikes or Toll Gates, Side Bars or Side Gates, or Chains, such Horse, Beast, Cattle, Animal, or Carriage shall, upon a Ticket being produced denoting the Payment thereof on the same Day, to be computed as aforesaid, be permitted to pass and repass Toll-free through the same Turnpike, and also through such other Turnpike, Toll Gate, Side Bar, Side Gate, or Chain (if any) as the Ticket for such Payment shall denote to be free.

Limiting the
Number of
Tolls to be
taken.

XXIV. That not more than the Number of full Tolls herein-after mentioned shall be taken upon the Roads for the same Horses, Beasts, Cattle, Animals, and Carriages passing and repassing through all or any of the Turnpikes erected or to be erected across, upon, or on the Sides of the Roads in any One Day, to be computed as aforesaid ; (that is to say,)

On the Road between *Wem* and *Ellesmere*, Two full Tolls ;

On the Road between *Ellesmere* and the present *Brookside* Turnpike Gate, Two full Tolls ;

On the Road between *Horton* and *Burlton*, One full Toll :

And on the Second District of Roads no more than Two full Tolls :

Provided, that no Toll shall be taken or demanded at any Gate on that Portion of the Second District which lies between the present *Brookside* Turnpike Gate and the Turnpike Gate proposed to be erected at or near the Junction of the Roads from *Pont Faen* and *Brookside* at or near the Lime Kilns at *Bronygarth* : Provided also, that no Toll shall be demanded or taken at
 any

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any Turnpike Gate for or in respect of any Horse or other Beast, drawing or not drawing, for passing and repassing, for which Toll shall have been paid on the same Day at any other Turnpike on the said Second District of Roads within a less Distance than Three Miles from such Turnpike.

XXV. That the Tolls hereby imposed shall be paid for and in respect of all Horses or Beasts drawing any Stage Coach, Waggon, or other Stage Carriage employed in carrying Passengers or Goods for Payment, Hire, or Reward for every Time of passing and repassing along the said Roads: Provided always, that no further or additional Toll shall be payable in respect only of the Horses or Beasts drawing any such Stage Coach, Waggon, or other Stage Carriage having been changed.

Stage Coaches to pay every Time of passing.

XXVI. That in the event of any Turnpike Gate being erected at or near the Junction of the Road leading from *Pont Faen* with the Road leading from *Brookside* at or near the Lime Kilns at *Bronygarth* aforesaid, One Fourth of the Amount of the Tolls to be derived therefrom shall be appropriated to the First District of Roads, and the remaining Three Fourths of the Amount of such Tolls to the Second District of Roads.

Apportioning Amount of Tolls to each District in the event of a Gate being erected at a certain Point.

XXVII. That the Tolls by this Act authorized to be taken shall be paid in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Dray, Cart, or such like Carriage for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any Turnpike upon the said Roads drawing any other laden Waggon, Wain, Dray, Cart, or such like Carriage than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day, and at which such Toll shall have been paid.

Horses, &c. drawing different Waggon, &c. to pay each Time of passing.

XXVIII. That the Tolls hereby imposed shall be paid for and in respect of the Horses or other Beasts let out to Hire, and drawing any Postchaise or other Carriage, every Time such Postchaise or other Carriage shall pass along the said Roads, whenever a new Hiring thereof shall take place.

Postchaises to pay every Time of Hiring.

XXIX. That the Money which the said Trustees may borrow and take up at Interest on the Credit of the Tolls to be collected upon the Second District of Roads shall not exceed in the whole the Sum of Four thousand five hundred Pounds.

Limiting Amount of Money to be borrowed.

XXX. Whereas an Arrangement has been entered into by the Solicitor and Agents for this Bill that they should make no Charge for the Application to Parliament in the present Session, except in respect

Application of Money to be borrowed.

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of Payments and Disbursements : Be it enacted, That the Money which the said Trustees may borrow and take up at Interest on the Credit of the Tolls to be collected on the said Roads shall be applied, Firstly, in defraying the Charges and Expenses of and incident to the Application to Parliament for the Bill of last Session, and in the obtaining and passing of this Act, except such Charges as are provided for by the Arrangement herein-before mentioned ; and, Secondly, in the Purchase of Land for and in making and completing the new Lines of Road by this Act authorized to be made and completed, in fencing off such Lines of Road respectively, and in erecting and providing Toll Houses and Toll Gates with the necessary Appurtenances to the same on such Lines of Road.

Application
of Monies.

XXXI. That all Monies in the Hands of the said Trustees, and all Monies which shall be received by them by virtue of this Act (except any Principal Money which shall be borrowed on the Security of the Tolls on the Second District by this Act granted), shall be applied as follows ; (that is to say,)

In respect of the First District,

First, in the Expenses of Management, Salaries of Officers (not including the Salaries of Toll Collectors, or the Costs of prosecuting or defending Actions at Law or Indictments), not exceeding the Sum of Fifty Pounds *per Annum* :

Secondly, in paying Interest at the Rate of Four Pounds *per Centum per Annum* on the Debt of One thousand five hundred and fifty Pounds due and owing on the Credit of the Tolls arising upon the said District :

Thirdly, in repairing and maintaining the Roads in the said First District, not exceeding in any One Year the Sum of Two hundred and eighty Pounds :

Fourthly, in paying off and discharging in manner herein-after provided the said Principal Debt of One thousand five hundred and fifty Pounds :

Fifthly, in further repairing and improving the Roads in the said District :

And in respect of the Second District,

First, in the Expenses of Management and Salaries of Officers (not including the Salaries of Toll Collectors, and prosecuting and defending Actions at Law or Indictments), not exceeding Forty Pounds *per Annum* :

Secondly, in paying Interest at the Rate of Five Pounds *per Centum per Annum* on the Sum of Four thousand five hundred Pounds, or such Portion thereof as may be due and owing on the Credit of the Tolls of the said District :

Thirdly, in setting apart and applying a Sinking Fund of Five Pounds *per Centum per Annum* on the whole Sum borrowed on the Credit of the Tolls of the said District :

Fourthly,

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Fourthly, in repairing and maintaining the Roads in the said District; and,

Fifthly, in further paying off and discharging the said Debt.

XXXII. That when and so often as the Sum applicable to the Discharge of either Class of Principal Monies for the Time being due on the Credit of the Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall apply such Sum in the Payment of a proportionate Part of such Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such Sum shall be so applied, cause Notice to be given of the intended Application of such Sum in a Newspaper published in the County of *Salop*, or by Letter addressed to each Mortgagee, and the Trustees shall apply such Sums, or a Portion thereof (as the Case may require), in or towards the Discharge of Monies owing on the Credit of such Tolls to the Creditor in such Class who shall, by Proposal in Writing transmitted to the Clerk of the Trustees, have offered to accept the lowest Composition in respect of such Monies; and after Payment to such Creditor as aforesaid the Trustees shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Payment of other Monies owing on the Credit of such Tolls to the Creditor in such Class who, by Proposal aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Money 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, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between or amongst such Creditors, or pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same so far as may be necessary in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments, or the Surplus thereof (as the Case may be), rateably amongst the Creditors in such Class on such Tolls, or may pay the same to such of them as may be determined by Lot or otherwise, as the Trustees shall think fit.

As to Mode
of discharg-
ing Debt.

XXXIII. That whenever and so long as the Interest upon the Debt for the Time being 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 collected upon the Roads shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls

Mortgagees
to take pos-
session for
Arrears of
Interest only.

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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 Mortgagees 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-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to 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 Accounts that the Interest due on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, shall have been fully paid and satisfied or provided for, then such Mortgagee 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 said 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 Money to be taken or laid out in certain Towns.

XXXIV. That no Money shall be laid out by the Trustees of the said Roads on any Road or Roads within the Limits of any Act of Parliament passed for the Improvement of a Town, nor shall any Money be collected therein.

Roads not exempt from Provisions of General Act.

XXXV. That nothing in this Act contained shall exempt the Roads comprised in this Act 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.

Commencement and Term of Act.

XXXVI. That this Act shall commence on the Day of 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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