



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. clxviii.

An Act for more effectually repairing the *Cavendish Bridge and Brassington Road*, and for making a Branch Line of Road in connexion with the same, all in the County of *Derby*.

[23d July 1855.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and otherwise improving the Road from the North Side of Cavendish Bridge in the County of Derby to the Town of Derby, and from the said Town to the Guide Post on Hulland Ward in the same County:* And whereas there is now due and owing upon the Credit of the Tolls authorized to be taken upon the said Road the Principal Sum of Five hundred Pounds or thereabouts: And whereas the Term granted by such Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Roads for limited Periods, will expire at the End of the Session of Parliament next after the First Day of *October* One thousand eight hundred and fifty-five, unless Parliament should in the meantime continue the same: And whereas it is expedient that the said recited Act should

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be

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be repealed, and that further and more effectual Powers should be granted in lieu thereof, with reference to the Road comprised therein, in this Act called "the Main Line:" And whereas it is desirable that the Line of Road herein-after described as "the Branch Line" should be made Turnpike, and placed under the Management of the Trustees for executing this Act; but such Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Act repealed, and this Act to be put in force.

I. Upon the Commencement of this Act the recited Act of the Seventh and Eighth Years of King *George* the Fourth is repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Monies and Property vested in new Trustees.

II. Upon the Commencement of this Act all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in, the Trustees, under the Act hereby repealed, shall be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as fully and effectually as if the same had been vested in them under this Act, and they shall be liable to all the Debts and Engagements to which the Trustees acting under the recited Act were liable at the Repeal thereof, except such Debts or Liabilities as by this Act may be reduced, altered, or extinguished.

Interpretation of Terms.

III. In this Act the following Words and Expressions have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Word "Person" shall include Corporation and Persons; the Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act; the Expression "the Roads" or "the said Roads" shall mean the Roads to which this Act applies; the Expression "Toll Gate" shall include Turnpike, Bar, and Chain; the Word "Lands" shall include Messuages, Tenements, and Hereditaments, of whatever Tenure.

Short Title.

IV. In reciting this Act for any Purpose it shall be sufficient to use the Expression "*Cavendish Bridge and Hulland Ward Roads Act, 1855.*"

Trustees.

V. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Derby*, together with *Edward Henry Abney* Clerk,

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Clerk, *Henry Allsop, Thomas Osborne Bateman, Thomas Roby Burgin, John Barber, William Briggs, William Baker, Henry Boden, Sir Robert Burdett Baronet, Francis Bradshaw, Thomas Parker Bainbrigge, John Bingham, William Barber Clerk, Richard Barber Clerk, Richardson Cox Clerk, Edward Calvert, William Thomas Cox, Samuel Walker Cox, William Cox, Henry Cox, Thomas Cooper, William Henry Cantrell Clerk, William Cantrell Clerk, Honourable and Reverend Frederic Curzon, Thomas Cowlshaw, James Clifford, John Curzon, Nathaniel Charles Curzon, George Curzon, Alfred Curzon, John Corden, Thomas Cradock, Charles Evelyn Cotton Clerk, Sir John Harpur Crewe Baronet, Charles Hugh Crewe, Edmund Lewis Crewe, Joseph Dean Clerk, Samuel Evans, Walter Evans, John Evans, Henry Evans, Douglas Fox, Samuel Fox, Robert Forman, Leonard Fosbrooke, Frederic Francis Fox, John Jowitt Glover, Robert Green, Alexander Atkinson Holden Clerk, Philip Hubbersty, Arthur Holmes, Alfred Holmes, Moses Harvey, Richard Mellor Hope Clerk, Charles Robert Hope Clerk, Thomas Haines, Charles Holbrook, Francis Jessopp, Francis Johnson Jessopp, William Jessopp, Josiah Lewis, Henry Mozley, — Mills, John Riley Marsh, Godfrey Meynell, Francis Noel Mundy, Charles Edward Newton, Edward Sacheverel Chandos Pole junior, Henry Chandos Pole, Samuel Richardson Radford, Thomas Radford, James Blythe Simpson, John James Simpson, Charles Simpson, Edward Lloyd Simpson, John Sandars, Robert Sacheverel Sitwell, Edward Degge Sitwell, Charles John Sitwell, Alfred Smith, Rowland Smith, James Stevenson Soresby, Nathaniel Story, Richard Sale, William Sale, John Tetley Smith Clerk, William Turner, George Trussell, George Wade, Francis Augustus Weekes Clerk, William Whiston, Thomas Wright Whitaker Clerk, Thomas Henry Whitaker, Sir Robert Edward Wilmot Baronet, George Wootton, Thomas Walford, Joseph Sykes Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for executing this Act.*

VI. The Trustees may at their First or Second Meeting elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole, to be Trustees for executing this Act, in addition to the Trustees hereby nominated; and such respective Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to
appoint
additional
Trustees.

VII. The Trustees shall hold their First Meeting at the *King's Head Inn* at *Derby* in the County of *Derby*, or at some other convenient Place in such County, on the Day of the Commencement of this Act, or as soon as conveniently may be, and proceed to the Execution of this Act; and the Trustees may from Time to Time adjourn

The First
Meeting of
Trustees.

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adjourn themselves to meet at such Time and Place upon or near the Roads as they shall think proper.

Power to
appoint
Committees.

VIII. The Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting; and the said Committees and their Surveyor may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to
which this
Act applies.

IX. This Act shall be put into execution for and during the Term herein-after mentioned, for the Purpose of improving and keeping in repair the said Road from the North Side of *Cavendish Bridge* to the Town of *Derby*, and from the said Town of *Derby* to the Guide Post on *Hulland's Ward*, all in the County of *Derby*, being the Main Line of Road, and also for the Purpose of making, completing, and afterwards maintaining the Line of Road herein-after described, being the Branch Line.

New Line of
Road to be
made accord-
ing to
deposited
Plans.

X. Inasmuch as Plans and Sections of the Branch Line of Road by this Act proposed to be made, together with a Book of Reference thereto, have been deposited at the Office of the Clerk of the Peace for the County of *Derby*: The Trustees may make, complete, and maintain such Branch Line of Road as herein-after described in the Line and in and through the Lands 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 Lands, and mark and stake out the same for the Purposes of this Act, at such Times and in such Manner as they shall think necessary or expedient.

Description
of new
Road.

XI. The Branch Line of Road by this Act authorized to be converted, altered, improved, and made Turnpike, is as follows; (that is to say,) a Portion of the existing Highway leading from the Town of *Derby* to *Swarkestone*, commencing at or about the Point where the Boundary Line between the Township or Liberty of *Litchurch* and the Parish of *Osmaston* next *Derby* crosses the said Highway, passing

passing from, in, through, and into the Parishes or Townships of *Osmaston* next *Derby*, *Alvaston*, *Boulton*, *Chellaston*, and *Swarkestone*, and terminating at a Point in the said Highway at or near the Northwardly End of a certain public Bridge called *Swarkestone Bridge* in the said Parish of *Swarkestone*, all in the County of *Derby*.

XIII. The Trustees may deviate from the Levels of the said Works as marked on such Sections to any Extent not exceeding Three Feet; but the Trustees shall not alter the present Level of so much of the said Branch Line of Road as lies within Sight of any Part of the Mansion House called *Osmaston Hall*, without the Consent in Writing of the said Sir *Robert Edward Wilmot* during his Life, or of the Owners thereof for the Time being after his Decease.

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

XVI. All the Clauses and Provisions of the Public General Acts now in force relating to Turnpike Roads in *England*, with respect to
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Turnpike
Acts.

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 those Clauses and Provisions are inconsistent with this Act,) extend and apply to the Land to be purchased for the Purposes of this Act; but nothing in those Acts or any of them contained shall prevent the Trustees from taking or pulling down any Dwelling House or Building, or taking in or making use of any Garden, Yard, or Paddock, Park, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, or any Part thereof respectively, which is delineated on 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,
Land to
remain in
Owners of
adjoining
Land.

XVII. 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 erecting
Houses, &c.

XVIII. The Trustees shall have the same Rights and Powers of cutting, digging, 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.

XIX. The Powers of the Trustees for the compulsory Purchase of Lands 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.

Period for
Completion
of Works.

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

Saving
Rights of

XXI. With respect to the Navigation from the *Trent* to the *Mersey*, which is intended to be passed over by the said proposed Branch
Line

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Line of Road by this Act authorized, nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, and Authorities vested in the *North Staffordshire Railway Company*, or authorize and empower the said Trustees to alter the Line or Level of the said Navigation or Towing-path thereof, or any Part thereof, or to obstruct the Navigation thereof or any Part thereof, or to divert any of the Waters therein, or which now supply the said Navigation, or to injure any of the Works of the said Navigation, nor lessen nor abridge the Liability, if any, of the said Company to maintain the present Bridge, or so much of it as shall not be removed by the said Trustees.

North Staffordshire Railway Company, and preventing Obstruction of Trent and Mersey Navigation.

XXII. In carrying the said Branch Line of Road over the said Navigation from the *Trent* to the *Mersey*, the Trustees shall, at the Crossing of the said Navigation, at their own Expense, enlarge the present Bridge called *Cuttle Bridge*, and for ever after maintain in repair such Part of the Bridge so enlarged or rebuilt in a substantial Manner.

Regulating the Construction of Bridge over Trent and Mersey Navigation Cuttle Bridge.

XXIII. With respect to the Enlargement of the said Bridge, by which the said Branch Line of Road by this Act authorized shall cross the said Navigation, the same shall be made over the said Navigation and the Towing-path thereof with proper retaining Walls and Approaches thereto, and such Bridge shall be constructed upon a Plan to be approved of by the Engineer for the Time being of the said *North Staffordshire Railway Company*, or by an Engineer to be appointed as herein-after provided, and the said Works, during the Progress of constructing such Bridge, or the necessary Repairs thereof, or the Erection of any future Bridge in lieu thereof, on or over the Lands belonging to the *North Staffordshire Railway Company*, shall be done to the Satisfaction of the said Company's Engineer, or of such other Engineer as aforesaid: Provided always, that in case the said Plan, Works and Repairs, proposed to be undertaken by the said Trustees, shall not be approved of by the Engineer of the said Railway Company, then the same shall be referred to some competent Engineer, to be appointed by the President for the Time being of the Institution of Civil Engineers, whose Decision and Direction in respect of the carrying into effect the said Plan, Works, and Repairs shall be final and conclusive, and the Expenses of such Engineer shall be defrayed by the said Trustees and the said Company in such Proportion, or by either of them solely, as such Engineer shall direct.

As to Bridge.

XXIV. The Trustees shall and may either continue or remove all or any of the present Turnpikes, Toll Gates, and Weighing Machines, and set up in lieu thereof or in addition One or more Turnpikes or Toll Gates, Toll Houses, and Weighing Machines, in, upon, across, or

Power to continue, alter or erect Toll Gates, Toll Houses, &c.

on

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on the Side of any Part of the said Main Line of Road, and shall or may set up One or more Turnpikes, Toll Houses, and Weighing Machines, in, upon, across, or on the Side of any Part of the said Branch Line of Road, and provide or erect such Toll Houses, with suitable Outbuildings thereto, and inclose from any Grounds adjoining thereto such Garden Plots for the said Toll Houses respectively, not exceeding One Eighth Part of a Statute Acre for each Toll House, as they may judge proper: Provided that no Turnpike, Toll House, or Weighing Machines shall be set up in, upon, across, or on the Side of such Part of the said Branch Line of Road as is within Sight of any Part of the said Mansion House called *Osmaston Hall*, nor in the said Parish of *Osmaston*, without the Consent in Writing of the said Sir *Robert Edward Wilmot* during his Life, or of the Owners of *Osmaston Hall* aforesaid for the Time being after his Decease.

Present Tolls
continued for
a Term.

XXV. 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 said Main Line of Road until the Thirty-first Day of *December* One thousand eight hundred and fifty-five.

Power to
take Tolls.

XXVI. Upon and after the Thirty-first Day of *December* One thousand eight hundred and fifty-five it shall be lawful for the Trustees to demand and take, at the several Toll Gates upon or at the Sides of the Main Line of Road, and so soon as the Branch Line of Road has been converted into and made a Turnpike Road, under the Provisions of this Act, and the Trustees at any Meeting shall declare the same to be so converted, then at the several Toll Gates upon or at the Sides of the said Branch Line respectively, such Tolls or Sums of Money as the Trustees at any of their Meetings shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast drawing any Coach, Landau, Barouche, Chariot, Curricule, Berlin, Phaeton, Chaise Marine, Calache, Car, Cabriolet, Chair, Taxed or Spring Cart, Gig, Whiskey, Hearse, Litter, or other such like Carriage, the Sum of Fourpence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or such like Carriage having the Fellies of the Wheels of the Breadth of Six Inches or more, the Sum of Fourpence Halfpenny; and in case the Fellies of the Wheels thereof be of less Breadth than Six Inches, and not under Four Inches and a Half, the Sum of Sixpence; and in Case the Fellies of the Wheels thereof be of less Breadth than Four and a Half Inches, the Sum of Eightpence:

For every Horse or other Beast drawing any Van, Caravan, or such like Carriage used for the Conveyance of Goods or Passengers
for

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for Hire, Pay, or Reward, and built and constructed with Springs, the Sum of Sixpence :

For every Horse or other Beast drawing any Van, Caravan, or other such like Carriage used for the Conveyance of Goods or Passengers for Hire, Pay, or Reward, and built and constructed with Springs, the Fellies whereof shall roll upon a Surface of not less than Six Inches, and shall not deviate more than One Quarter of an Inch from a flat or level Surface, the Sum of Fourpence Halfpenny :

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

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

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

For every Four-wheeled Carriage, not drawn by any Horse or Beast of Draught, but propelled or moved along the said Roads by Machinery or otherwise than by Animal Power, the Sum of Five Shillings :

For every Two-wheeled Carriage, not drawn by any Horse or Beast of Draught, but propelled or moved along the said Roads by Machinery or otherwise than by Animal Power, the Sum of Two Shillings and Sixpence.

XXVII. In all Cases where there shall be a fractional Part of a Halfpenny in the Amount of Tolls by this Act authorized to be collected the Sum of One Halfpenny shall be payable in lieu of such fractional Part. As to Fractional Part of a Halfpenny.

XXVIII. No Horse, Cattle, Beast, Animal, or Carriage on which One whole or full Toll shall have been paid for the passing thereof shall be subject to any Toll for returning through the Toll Gate at which such Toll shall have been paid once on the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night. Tolls to be taken but once for passing and repassing.

XXIX. If any Horse or other Beast or Animal drawing any Waggon, Wain, Cart, Caravan, Dray, or other such like Carriage shall pass or go a Third Time or oftener on the same Day through all or any of the Toll Gates, the Person having the Care of such Horse or other Beasts drawing any Waggon, Wain, Cart, Caravan, Dray, or other such like Carriage shall be liable and compellable again to pay the Tolls hereby imposed in the same Manner as such Person would have Carriages to pay again after passing and re-passing.

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been liable in case Toll had not before on the same Day been paid in respect of the same, but with the Privilege of returning once on the same Day Toll-free for every such Payment.

Horses
drawing
different
Carriages to
pay each
Time of
passing.

XXX. In case any Horse or other Beast returning on the same Day through the same Toll Gates or any of them, and drawing any other or different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, any such Horse or other Beast shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other Carriage, and the Tolls herein-before made payable shall be paid for every Time both of passing and repassing through every such Toll Gate, in like Manner as if no Toll had been paid thereat.

Stage
Coaches
and Post-
chaises each
Time of
passing.

XXXI. Tolls shall be payable in respect of all Horses or other Beasts or Animals drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage carrying or conveying Passengers or Goods for Pay, Hire, or Reward, for every Time of passing and also for repassing along the said Roads, or through any Toll Gate thereon, in like Manner as if no Toll had been before paid; and for or in respect of all Horses or other Beasts or Animals drawing any Postchaise or other Carriage travelling for Hire for every Time of passing or repassing along the said Roads, or through any Toll Gate thereon, as often as a fresh Hiring shall take place.

Limiting the
Number of
Tolls to be
taken.

XXXII. 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 Toll Gates erected or to be erected across or on the Sides of the said Roads in any One Day, except as herein-before mentioned; (that is to say,)

On the Main Line between *Cavendish Bridge* and the Town of *Derby*, One Toll:

On the Main Line between the Town of *Derby* and the Termination of the said Road at the Guide Post on *Hulland's Ward*, One Toll:

On the Branch Line, One Toll.

Soughing
Tiles, &c.
exempt from
Toll.

XXXIII. No Toll shall be demanded or taken at any of the Toll Gates on the said Roads for any Horses or other Beasts drawing any Cart or other Carriage which shall have Wheels of not less than Four and a Half Inches in Breadth on the Sole or Bottom of the Fellies thereof, and be loaded, or going empty to be loaded, or returning empty after having been loaded, with Soughing Tiles, Brick, Stone,
or

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or other Materials to be solely used for the Purpose of draining Lands or Grounds.

XXXIV. All Carts passing along the said Roads drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or to be 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 the 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.

XXXV. The Trustees may borrow and take up at Interest on the Credit of the Tolls to be collected upon the Roads any Sum or Sums of Money not exceeding in the whole the Sum of Two thousand Pounds, but no further Sum or Sums of Money shall be taken up or borrowed on the Credit of the Tolls arising on the Roads.

Limitation
of the
Amount of
Money to be
borrowed on
the Branch
Line.

XXXVI. The Money which the Trustees may borrow and take up at Interest on the Credit of the Tolls to be collected on the said Roads shall be applied as follows; (that is to say,)

Application
of borrowed
Money.

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

Secondly, in converting and making Turnpike and completing the Branch Line of Road by this Act authorized to be made and completed, in fencing off such Branch Line of Road, and in erecting and providing Toll Houses, Toll Gates, and Weighing Machines, with the necessary Appurtenances to the same, on such Branch Line of Road.

XXXVII. That all Monies which from and after the Commencement of this Act shall be received by the Trustees by virtue of this Act or the said recited Act as or in respect of the Tolls upon the Roads shall be applied as follows; (that is to say,)

Application
of Tolls.

First, in maintaining, improving, and keeping in repair the said Roads, and in erecting, providing, and keeping in repair the several Toll Gates and Toll Houses, with their Appurtenances:

Secondly, in paying the Salaries and Expenses of general Management, not exceeding Ninety Pounds *per Annum* for the First Two Years after the passing of this Act, and Sixty-five Pounds *per Annum* in all subsequent Years, exclusive of the Costs and Expenses of prosecuting and defending Actions at Law, Indictments,

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ments, or other legal Proceedings, and of the Salaries of Toll Collectors :

Thirdly, in paying Interest upon the said Debt or Sum of Two thousand five hundred Pounds, or so much thereof as shall for the Time being be due and owing, after the Rate of Four Pounds *per Centum per Annum* :

Fourthly, in reducing, paying off, and discharging, in manner hereinafter provided, the said Debt or Sum of Money, or such Part or Parts thereof as shall from Time to Time be due and owing upon the Roads :

Provided always, that after the several Payments herein-before authorized shall have been made the Trustees shall from Time to Time reduce the Tolls by this Act authorized to be collected in such Manner as they shall think proper.

As to the
Mode of
discharging
Debt.

-XXXVIII. When and so often as the Sum applicable to the Discharge of any Principal Monies for the Time being due on the Credit of the Tolls upon the Main Line of Road and due upon those of the Branch Line respectively 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 respectively 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 *Derby*, or by Letter addressed to each Mortgagee; and 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 Credit of such Tolls, to the Creditor of such Main Line or Branch Line respectively (as the Case may be) 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 who by Proposal as 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 respectively, 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

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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 of such Main or Branch Line respectively (as the Case may be), or may pay the same to such of them as may be determined by Lot, or otherwise as the Trustees shall think fit.

XXXIX. Whenever and so long as the Interest upon the Debt for the Time being due upon the said Main Line and Branch Line of Road respectively, 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 or Rent, shall pay the Interest from Time to Time becoming due upon all 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 happen 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, have been fully paid and satisfied or provided for, then such Mortgagee shall, when thereunto required by the Trustees, pay over to the 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 any Statute or Law in force relating to Turnpike Roads in *England*, to the contrary notwithstanding.

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

XL. No Money shall be laid out on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any be collected therein.

No Money
to be laid
out or taken
in Towns.

XLI. 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

Roads not
exempt from
Provisions
of future
General
Acts.

[*Local.*]

30 A

Turnpike

Cavendish Bridge and Hulland Ward Roads Act, 1855.

Turnpike Roads which may pass during the present or any future Session of Parliament.

Commence-
ment and
Term of
Act.

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

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