



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. xcii.

An Act for continuing the Term of the *Nottingham and Newhaven* Turnpike Road and Districts Act, and for other Purposes. [26th June 1855.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of King *George* the Second for repairing and widening the Roads from *Chappel Bar* near the West End of the Town of *Nottingham* to *Newhaven*, and from the *Four Lane Ends* near *Oakerthorpe* to *Ashbourne*, and from the Cross Post on *Wirksworth Moor* to join the Road leading from *Chesterfield* to *Chappel-en-le-Frith*, at or near *Longston* in the County of *Derby*, and from *Selston* to *Annesley Woodhouse* in the County of *Nottingham*: And whereas the Term and Powers granted by the said Act, and continued and enlarged from Time to Time by Three several Acts passed in the Twentieth and Fortieth Years of the Reign of King *George* the Third and the Third Year of the Reign of King *George* the Fourth respectively; and by divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-five, unless the same be in the meantime further continued: And whereas by the said first-recited Act the said Road was divided into Four several Districts, called

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respectively the First, Second, Third, and Fourth Districts: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said recited Acts respectively, and there is now due and owing on the Credit of the Tolls of the said several Districts of Road the Principal Sums herein-after mentioned; (that is to say,) on the said First District thereof the Principal Sum of Nine thousand five hundred and fifty-six Pounds Four Shillings only; on the said Second District thereof the Principal Sum of Two thousand two hundred and twenty Pounds, and an Arrear of Interest amounting to the Sum of Nine hundred and ninety-nine Pounds; on the said Third District thereof the Principal Sum of Three thousand two hundred and ninety-four Pounds Ten Shillings, being the Sum herein-after called the "old Debt," and the further Principal Sum of Five thousand three hundred Pounds, herein-after called the "new Debt," making together the Sum of Eight thousand five hundred and ninety-four Pounds Ten Shillings only; and on the said Fourth District thereof the Principal Sum of Seven hundred Pounds, and an Arrear of Interest amounting to Four hundred Pounds and upwards: And whereas it is expedient that certain Parts or Portions of the Road comprised in the said First and Third Districts, and the whole of the Road comprised in the said Fourth District, should be given up and abandoned: And whereas *Henry Eddison* of *Gateford* in the said County of *Nottingham* is sole Mortgagee of the Tolls arising and taken in the said Fourth District, which amount to the Sum of Ten Pounds or thereabouts annually, and the said *Henry Eddison* hath agreed to extinguish his said Mortgage Debt and Interest in manner herein-after provided: And whereas it is expedient that the Powers and Provisions of the said recited Acts should be repealed, and more effectual Provisions made in lieu thereof, for carrying into effect all or any of the Purposes above mentioned; but the same 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.

I. That the said recited Acts of the Thirty-second Year of the Reign of King *George* the Second, the Twentieth Year of the Reign of King *George* the Third, and the Fortieth Year of the same Reign, and the Third Year of the Reign of King *George* the Fourth, shall continue in force until the First Day of *January* next, and from and after that Date the same are hereby repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes hereafter mentioned.

II. That

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II. That from and after the Commencement of this Act so much of the Road comprised in the said First District of the Road as lies between the Point of Junction where the old Turnpike Road branches out over *Oakerfield* to *Potter's Gate* in the Township of *Winsley* in the Parish of *Darley* in the County of *Derby*, and so much of the Road comprised in the said Third District of the Road as lies between the Point of Junction where the old Turnpike Road Northwardly branches out of the new Turnpike Road near the *Stancliffe* Stone Quarry in the Parish of *Darley* in the County of *Derby*, to the Centre of the Bridge which conveys the old Road over the *Manchester, Buxton, Matlock, and Midlands Junction* Railway in the said Parish of *Darley*, and so much of the Road as is comprised in the Fourth District of the Road, shall be abandoned and given up, and that the Trustees or Mortgagees shall not take or receive any Tolls upon the Parts so abandoned and given up, or be liable for the Repair or Maintenance of the same.

Power to
abandon
certain Parts
of old Road.

III. Whereas by the Repeal of the said recited Acts the Road from *Selston* to *Annesley Woodhouse*, forming the Fourth District of Roads under the said Acts, is given up and abandoned as Turnpike Road, and the Mortgage Debt existing thereon is thereby extinguished: And whereas *Henry Eddison* is the sole Mortgagee on the said Roads: And whereas the Trustees are or claim to be entitled to a Toll House, with Two Pieces of Land or Garden attached thereto or occupied therewith on either Side of the said Road, which it is intended should be sold by the said Trustees: Be it enacted, That such Toll House and Pieces of Land or Garden, with the Appurtenances, shall be offered for Sale by the Trustees to the respective Owners of the Lands adjoining thereto, in the same Manner as is provided with respect to Lands not required by the Trustees for the Purposes of the Road by the Acts for regulating the Management of Turnpike Roads in *England*, but it shall not be necessary to pull down the said Toll House; and in case the Offer of such Toll House or Pieces of Land or any Part thereof shall be refused by such Owners the Value thereof may be determined by Arbitration under the Lands Clauses Consolidation Act, 1845, instead of by a Jury; and all Monies to be received in respect of the same or any Part thereof which shall be so sold respectively shall, after deducting the reasonable Expenses of the Sale thereof, be paid to the said *Henry Eddison*, his Executors, Administrators, and Assigns, or if the said House or Garden or any Part thereof shall not be purchased from the said Trustees as aforesaid, the said Trustees shall convey by Deed duly stamped, and in which the Consideration shall be truly stated, the said House or Garden, with the Appurtenances, or so much thereof as shall not be purchased as aforesaid, unto and to the Use of the said *Henry Eddison*, his Heirs and Assigns, for his and their absolute Use and Benefit.

Vesting
Toll House,
&c. on
Fourth
District of
Road in
Mortgagee.

IV. That

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Road divided
into Three
Districts.

IV. That for the Purposes of superintending and managing the Road, of collecting the Tolls thereof, and of applying or assigning the same, and for the Application of the Monies arising from such Tolls, the Road shall hereafter be divided into Three Districts; and that the Road commencing at and from the North Side of *Hyson Green Lane* in the Parish of *Lenton* and the North Side of *Outgang Lane* in the Parish of *Radford* in the County of *Nottingham*, and extending to the East Side of the *Haddon and Bentley* Turnpike Road in the Township of *Winstor* in the Parish of *Youlgreave* in the County of *Derby*, shall be deemed the First of such Districts; that the Road leading from the *Four Lane Ends* near *Oakerthorpe* to *Ashbourne* shall be deemed the Second of such Districts; and the Road leading from the Cross Post on *Wirksworth Moor* to join the Road leading from *Chesterfield* to *Chapel-en-le-Frith* at or near *Longstone* shall be deemed the Third District of such Road; and that separate and distinct Accounts shall be kept of the Receipt and Expenditure of the Tolls to be raised in each respective District, and of the Monies due and owing on the Credit of the Tolls of each respective District.

Short Title.

V. That in citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression “*The Nottingham and Newhaven Turnpike Road Act, 1855.*”

Interpreta-
tion of
Terms.

VI. That in the Construction of this Act the following Words shall have the several Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

The Word “Person” shall be understood to include “Corporation:”

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

The Expression “the Road” shall mean all the Roads to which this Act relates:

The Expression “Districts” shall mean the Roads included in such Districts:

The Expression “Toll Gate” or “Toll Gates,” shall include Turnpike Gates, Toll Bars, Side Gates, Side Bars, and Toll Chains.

Bonds, &c.
under the
former Acts
to be good
under this
Act.

VII. That, notwithstanding the Repeal of the said recited Acts, all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said several recited Acts, according to the Provisions and Directions thereof respectively, shall (except as herein mentioned) remain in full Force and Effect, and shall be and continue available in
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all Courts of Law and Equity until the same are or shall be fully satisfied and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Act to or with any Person or Persons shall (except as aforesaid) remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and shall be observed and kept by them according to the Terms and Stipulations and Tenor thereof respectively.

VIII. That all Monies due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action vested in or belonging to the Trustees under the said several recited Acts, shall be immediately on the Commencement of this Act 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 several recited Acts, and they shall be liable to all the Debts and Engagements to which the Trustees under the said several recited Acts were liable at the Repeal thereof, except such Debts and Liabilities as are by this Act altered, reduced, or extinguished.

Monies and Property to vest in the new Trustees.

IX. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the Counties of *Nottingham* and *Derby*, together with *Charles Allcock* the younger, *James Charles Arkwright*, *John Allcard*, *Thomas Barber*, *Thomas Bowmar*, *Henry Bowman* the younger, *Henry Barber* the younger, *Andrew Brittlebank*, *Thomas Bishop*, *Jonathan Blore*, *Thomas Blore*, *Joseph Braithwaite*, the Reverend *John Burnside*, *William Stanford Burnside*, *William Bathurst* Clerk, *Richard Birkin*, *Richard Birkin* the younger, *Benjamin Brittlebank*, *William Bagshaw*, *John Braddock*, *Thomas Bateman*, *Henry Bowman*, Reverend *William Belcher*, *John Brown Bossley*, *John Bowman*, *Robert Cresswell*, *John Cruso*, *Hugh Bruce Campbell*, *William Cartledge*, *William Condell*, *Samuel Coates*, *William Cantrell*, *Eli Coates*, Reverend *Herbert Kestell Cornish*, *Thomas Close*, *James Fisher*, *Thomas Fisher*, *Smith Fowler*, *Alfred Thomas Fellows*, *Thomas Fentem* the younger, *Frederic F. Fox*, *Samuel Frost*, the Reverend *H. R. Frizell*, *Francis Grammar*, *Frederic Bates Goodall*, *William Gibson*, *John Garton*, *John Green*, *John Goodwin*, *Francis Cornelius Goodwin*, *William Henry Goodwin*, *Thomas John Gisborne*, *Edmund Barton Goodall*, *William Greaves*, *Philip Hubbersty*, *William Philip Hubbersty*, *Francis Hurt* the younger, *John Hadden*, *William Hurst*, *Edward Hurst*, *Samuel Hollins*, *Philip Anthony Hurt*, *Henry Hadden*, the Reverend *Henry Hall*, the Reverend *Immanuel Halton*, the Reverend *N. Hubbersty*, *Gervase Cressy Hall*, *George Cressy Hall*, *William Hannay*, *William Hunt*, *John Holmes*, *George Hodg-*

Appoint-ment of new Trustees.

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kinson, Charles Holden, Henry Holden, William Hannay junior, Charles James Jenkins Hannay, John Hollins, Samuel Holmes, Frederick Hadden, Charles Hadden, William Harris, Arthur Heathcoate Heathcoate, John Heathcoate, Henry James, Alexander Dean James, Reverend Curtis Jackson, Richard Beecher Leacroft, William Lacey, James Longsdon, Arthur Hurst Lowe, Edward J. Lowe, Newton Mant, Charles John Mold, George Milnes, William Milnes the younger, James Morley, Henry Milnes, Frederick Morewood, Thomas Mander, Charles Milnes, Herbert Milnes, Reverend Robert Milne, Henry MacConnel, James Milnes, John Melland, Samuel Newham, George Nuttall, James Clifford Newbold, Henry Norman, Beverley Samuel Oliver, Thomas Gregory Orr, Robert Orme, Reverend Alfred Padley, Thomas Poyser, Edmund Percy, John Percy, John Pearson, Edwin Patehitt, the Reverend Henry Western Plumptre, John Plumptre, William Porter, the Reverend Henry Pearson, William Pearson, Lancelot Rolleston the younger, Christopher Rolleston, Childers Charles Radford, Thomas Radford, Vaughan Hobbs Radford, William Henry Ransome, William Redfern, Henry Smith, Henry Abel Smith, Reverend Thomas Tunstall Smith, Theodore Silverwood, Thomas Staley, Richard Strelley, William Silverwood, Francis Edward Shipley, Francis Edward Shipley the younger, Henry Stevens, John Sorby, John Smith, William Taylor, John Lawson Thackeray, John Northon Thompson, John Taylor, William Teasdale, James Taylor Robert Thornhill, Samuel Travis, Daniel Vaudrey Clerk, the Honourable and Reverend John Venables Vernon, William Wright, German Wheatcroft, John Wolley Clerk, Ichabod Charles Wright, John Watson, the Reverend John Wood, William Wilson, Daniel Wilson, Daniel Wilson the younger, George Wilson, John Wathey, William Wheatcroft, William George Wheatcroft, Robert Wood, David Wheatcroft, Nathaniel Wheatcroft, Joseph Whittaker, Thomas Walker, Samuel Watson, John Watson junior, George Stretton Watson, Charles Ichabod Wright, Henry Walthall Walthall, James Smith Walters, Charles C. Worsley, William Wager, William Wyatt, Adam Washington, Samuel Woolley, William Walker, John Walker junior, John Calthrop Williams Doctor of Medicine, George Sanders Williams, William Rhys Williams, 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. That it shall be lawful for the Trustees from Time to Time, at a Meeting to be convened and held for all the said Districts of the said Road, to elect any Number of Persons, duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Nine in the whole, to be Trustees for the Purposes of this Act in addition to the Trustees hereby nominated; and that when any Trustee so nominated or appointed shall die or refuse or become incapable to act in the
Execution

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Execution of this Act it shall and may be lawful for the surviving or remaining Trustees from Time to Time, at any of their Meetings to be held for all the Districts of the said Road, to elect or appoint One fit Person living in the said Counties of *Derby* or *Nottingham*, or in the Town of *Nottingham*, in the Room of every Trustee so deceased or refusing or becoming incapable to act; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

XI. That the Trustees shall hold their Meetings for the First District at the Town of *Nottingham*, or at some other convenient Place in the Neighbourhood of the Road in such District; for the Second District, at *Wirksworth* in the said County of *Derby*, or at some other convenient Place in the Neighbourhood of the Road in such District; for the Third District, at *Bakewell* in the said County of *Derby*, or at some other convenient Place in the Neighbourhood of the Road in such District; and the First Meetings of the Trustees for each of the said Districts respectively shall be held on the Day of the Commencement of this Act, or as soon after as conveniently may be, and the Trustees shall at such Meetings respectively transact and manage only the Business and Affairs of such District respectively, and may from Time to Time thereafter adjourn to and meet at such Time or Times, and at such Place or Places respectively in the Neighbourhood of the Road in such District, as the Trustees at any such Meeting or Meetings as aforesaid respectively shall think proper.

Meeting of Trustees.

XII. That upon and after the said First Day of *January* One thousand eight hundred and fifty-six it shall be lawful for the Trustees to demand and take on the First, Second, and Third Districts of the Road, at the several and respective Toll Gates which shall by virtue of this Act be upon or on the Sides of the said Districts of Road, such Tolls as the Trustees at any of their Meetings to be held for such Districts respectively shall direct, not exceeding the Sum mentioned in the Schedules herein-after respectively set forth for each District; (that is to say,)

Power to take Tolls on the Three Districts of Roads.

In the First District :

For every Horse or Beast of Draught drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Chair, Caravan, Curricle, Calash, Hearse, Litter, Gig, Sledge, or other such Carriage, the Sum of Fourpence Halfpenny :

First District.

For every Horse or Beast of Draught drawing any Waggon, Cart, or other Carriage, with Wheels of the Breadth of Nine Inches or upwards on the Bottom or Sole thereof, the Sum of Threepence :

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

For every Horse or Beast of Draught drawing any Waggon, Cart, or other such Carriage, with any of the Wheels of less Breadth as aforesaid than Six Inches, the Sum of Sixpence Three Farthings :

For every Carriage with Wheels of the Breadth of Six Inches or upwards, laden with any Millstone, Block of Stone, Piece of Timber, Boiler, Pieces of Metal or Machinery, and drawn by Five Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence, and if drawn by more than Five Horses or other Beasts of Draught, the further Sum of One Shilling for each such Horse or Beast of Draught exceeding that Number ; and for every Carriage with Wheels of less Breadth than Six Inches, loaded as aforesaid, and drawn by Five Horses or Beasts of Draught, the Sum of Three Shillings and Ninepence, and if drawn by more than Five Horses or Beasts of Draught, the further Sum of One Shilling for each Horse or Beast of Draught exceeding that Number :

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of Three Halfpence :

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 ; and,

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

For every Goat or other Animal not herein-before provided for, drawing any Carriage, the Sum of Twopence :

For every Carriage propelled by Steam or otherwise than by Animal Power, the Sum of One Shilling for each Wheel :

In the Second District :

Second District.

For every Horse, Mule, or other Beast drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricle, Caravan, Chair, Gig, Sledge, or other such Carriage, Hearse, or Litter, any Sum not exceeding Sixpence :

For every Horse, Mule, or other Beast drawing any Waggon, Cart, Wain, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of the Breadth of Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Fourpence :

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For every Horse, Mule, or other Beast drawing any Waggon, Cart, Wain, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of less Breadth than Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Sixpence :

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, any Sum not exceeding One Penny :

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

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

For every Carriage with Wheels of the Breadth of Six Inches or upwards, loaded with any Millstone or Millstones, Block or Blocks of Stone, Piece or Pieces of Timber, Metal, or Machinery, Boiler or Boilers, and drawn by Five Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence, and if drawn by more than Five Horses or other Beasts of Draught the further Sum of One Shilling for each such Horse or Beast of Draught exceeding that Number ; and for every Carriage with Wheels of less Breadth than Six Inches, loaded as aforesaid, and drawn by Five Horses or other Beasts of Draught, the Sum of Three Shillings and Ninepence, and if drawn by more than Five Horses or other Beasts of Draught the further Sum of One Shilling for each such Horse or Beast of Draught exceeding that Number :

For every Goat or other Animal drawing any Carriage not hereinbefore provided for, the Sum of Twopence :

For every Carriage propelled by Steam or otherwise than by Animal Power, the Sum of One Shilling for each Wheel :

In the Third District :

For every Horse, Mule, or other Beast drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricule, Chair, Gig, Sledge, or other such Carriage, Hearse or Litter, any Sum not exceeding Fourpence : Third District.

For every Horse, Mule, or other Beast drawing any Waggon, Cart, or Wain, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of the Breadth of Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Fourpence Halfpenny :

For every Horse, Mule, or other Beast drawing any Waggon, Cart, or Wain, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of less Breadth than Six Inches at

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the Sole or Bottom of the Fellies thereof, any Sum not exceeding Sixpence :

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, the Sum of Three Halfpence :

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

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

For every Carriage with Wheels of the Breadth of Six Inches or upwards, loaded with any Millstone or Millstones, Block or Blocks of Stone, Piece or Pieces of Timber, Metal, or Machinery, Boiler or Boilers, and drawn by Five Horses or other Beasts of Draught, the Sum of Two Shillings and Sixpence, and if drawn by more than Five Horses or other Beast of Draught the further Sum of One Shilling for each such Horse or Beast of Draught exceeding that Number ; and for every Carriage with Wheels of less Breadth than Six Inches, loaded as aforesaid and drawn by Five Horses or Beasts of Draught, the Sum of Three Shillings and Ninepence, and if drawn by more than Five Horses or Beasts of Draught the further Sum of One Shilling for each Horse or Beast of Draught exceeding that Number :

For every Goat or other Animal drawing any Carriage not hereinbefore provided for, the Sum of Twopence :

For every Carriage propelled by Steam or otherwise than by Animal Power, the Sum of One Shilling for each Wheel :

And the said respective Tolls shall, subject to the Restrictions in this Act contained, be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, Sledge, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Sheep, Lambs, or Swine, be permitted to pass through any Toll Gate erected or to be erected or continued upon the said Road or on the Sides thereof by virtue of this Act.

As to the Fraction of a Halfpenny in Tolls.

XIII. That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Toll by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Parts.

Only Two full Tolls to be taken.

XIV. That, except as herein provided, no more than Two full Tolls shall be taken on the same Day for the same Horse, Beast, Cattle, or Carriage, or other Animal or Thing liable to Toll, between *Hyson Green Lane* and *Alfreton* ; nor more than Two full Tolls on the same Day between *Alfreton* and *Winster* ; nor more than One full Toll on

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on the same Day between *Matlock Bridge* and the Termination of the Road at the Junction with the *Haddon and Bentley* Turnpike Road; nor more than Two full Tolls on the same Day on the Second District; nor more than Three full Tolls on the same Day on the Third District; and with respect to such Third District, no more than One full Toll shall be taken between *Bakewell* and the *Rowsley* Station, nor more than One full Toll and the Half of another Toll between *Headstone Edge* and the *Rowsley* Station.

XV. That, except where by this Act expressly provided to the contrary, all Horses, Beasts, Cattle, or other Animals or Things, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted in returning, passing and repassing through the same Toll Gate, and in going and returning, passing and repassing through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Toll to be paid only once on the same Day.

XVI. That the Tolls hereby made payable shall be paid in respect of all Horses or other Beasts of Draught drawing any Cart, Wain, or Waggon, laden or unladen, passing through any Toll Gate on the Road, every Third Time in the same Direction on the same Day, as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Toll to be paid on Waggon, &c. passing Third Time.

XVII. That, notwithstanding the Provisions herein contained, upon the Production of a Ticket at the *Wingfield* Gate denoting the Payment of a full Toll at *High Field Lane* Gate, only a Half Toll shall be demanded and taken at such Gate, and upon the Production of a Ticket at *High Field Lane* Gate denoting the Payment of a full Toll at *Wingfield* Gate, only a Half Toll shall be demanded and taken at such Gate; that upon the Production of a Ticket at *Holt Lane* Gate denoting the Payment of a full Toll at *Smithy Lane* Gate, only a Half Toll shall be demanded and taken at such Gate; and upon the Production of a Ticket at the *Smithy Lane* Gate denoting the Payment of a full Toll at *Holt Lane* Gate, only a Half Toll shall be demanded and taken at such Gate.

Half Toll to be taken at certain Gates.

XVIII. Provided that, except as regards the Toll on Oxen, Cows, or Neat Cattle, Calves, Hogs, Swine, Sheep or Lambs, no more than Two Thirds of the above-mentioned Toll shall be demanded or taken in respect of any Carriages, Horses, or other Beasts of Draught or Burden on the Portion of the Road between *Matlock Bridge* and the Junction with the *Haddon and Bentley* Road.

Two Thirds only of Toll to be paid in certain Cases at certain Places.

XIX. That

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Postchaises,
&c. to pay
every fresh
Hiring.

XIX. That the Tolls hereby made payable shall be paid for all Horses or other Beasts of Draught drawing any Postchaise or other Carriage travelling for Hire for every Time of passing and repassing along the said Road with a fresh Hiring on the same Day, as if no previous Payment of Toll in respect of such Horses or Beasts had been made on the same Day.

Horses
drawing
Coaches, &c.
for Hire to
pay each
Time of
passing.

XX. That all Horses or other Beasts of Draught drawing any Stage Coach, or any Omnibus, Waggon, Van, Caravan, or other Carriage carrying Passengers or Goods for Payment, Hire, or Reward, shall pay Toll for each Time of passing through the same Toll Gate in the same Direction.

Regula-
tions as to
Coaches, &c.
drawing for
Hire.

XXI. That all Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, or other Carriage conveying Passengers or Goods for Hire or Reward, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, shall, upon a Ticket denoting such Payment being produced, be permitted to pass and repass once Toll-free on the same Day through any other Toll Gate which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further or additional Toll shall be payable in respect of any Coach or other such Carriage as aforesaid at any such other Toll Gate, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Respecting
Toll Gates.

9 G. 4. c. 77.

XXII. That, save as aforesaid, the several Toll Gates and Toll Houses now standing or being upon the said Road or on the Sides thereof shall be continued until removed by any Order of the said Trustees; and it shall be lawful for the said Trustees, in the Manner prescribed in the Fifth Section of the Act passed in the Ninth Year of the Reign of King *George the Fourth*, intituled *An Act to amend the Acts for regulating Turnpike Roads*, to order and cause to be set up in or across the said Road or on the Sides thereof any Toll Gate or Toll House, and to remove the present or any future Toll Gate or Toll House now standing or being upon the said Road or on the Sides thereof; and all the Provisions of this Act with reference to any Toll Gates or Toll Houses now standing or being upon the said Road or on the Sides thereof shall apply to any Toll Gate or Toll House to be erected or set up in or across the said Road or on the Side thereof.

Application
of Monies

XXIII. That all Monies which shall come to the Hands of the said Trustees arising in the First District in any One Year by virtue of
this

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this Act shall be applied in the said District as follows; (that is to say,) in First District.

Firstly, in paying and discharging, in manner herein-after mentioned, the Expenses of obtaining and passing this Act, or in carrying the same into effect, or incident thereto :

Secondly, in paying the Salaries and Expenses of general Management, not exceeding One hundred and seventy Pounds *per Annum*, exclusive of the Costs and Expenses of prosecuting and defending Actions at Law, Indictments, or other legal Proceedings, and of the Salaries of Toll Collectors, and the Expenses of erecting any new Toll Houses or Gates when necessary :

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

Fourthly, in repairing and maintaining the said Road in such District, not exceeding in any Year the Sum of One thousand three hundred Pounds :

Fifthly, as to the Residue of such Monies respectively, to the reducing, paying off, and discharging, in manner herein-after provided, the said Debts or Sums of Money, or such Part or Parts thereof as shall from Time to Time be due and owing from such District :

Sixthly, in further maintaining, repairing, and improving the Road in such District.

XXIV. That all Monies which shall come to the Hands of the Trustees, arising on the Second District in any One Year by virtue of this Act, shall be applied in the said District as follows; (that is to say,) Application of Monies in Second District.

Firstly, in paying and discharging, in manner herein-after mentioned, the Expenses of obtaining and passing this Act, or in carrying the same into effect, or incident thereto :

Secondly, in paying the Salaries and Expenses of general Management, not exceeding Seventy-five Pounds *per Annum*, exclusive of the Costs and Expenses of prosecuting and defending Actions at Law, Indictments, or other legal Proceedings, and of the Salaries of the Toll Collectors, and the Expenses of erecting any new Toll Houses or Gates when necessary :

Thirdly, in paying Interest upon the said Sum of Two thousand two hundred and twenty Pounds, or so much thereof as shall for the Time being be due and owing on such District, after the Rate of Three Pounds Ten Shillings *per Centum per Annum* :

Fourthly, in repairing and maintaining the said Road in such District, not exceeding in any Year the Sum of Ninety Pounds :

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Fifthly,

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Fifthly, in reducing, paying off, and discharging, in manner herein-after mentioned, the said Debt or Sum of Two thousand two hundred and twenty Pounds due from such District, or such Part or Parts thereof as shall from Time to Time be due and owing from such District:

Sixthly, in repairing, maintaining, and improving the Road in such District.

Application
of Monies
in Third
District.

XXV. That all Monies which shall come to the Hands of the Trustees, arising on the Third District in any One Year by virtue of this Act, shall be applied in the said District as follows; (that is to say,)

Firstly, in paying and discharging, in manner herein-after mentioned, the Expense of obtaining and passing this Act, or in carrying the same into effect, or incident thereto:

Secondly, in paying the Salaries and the Expenses of general Management, not exceeding the Sum of One hundred Pounds *per Annum*, exclusive of the Costs and Expenses of prosecuting and defending Actions at Law, Indictments, and other legal Proceedings, and of the Salaries of Toll Collectors, and the Expense of erecting a new Toll House and Gate if necessary:

Thirdly, in paying Interest upon the said Debt or Sum of Three thousand two hundred and ninety-four Pounds Ten Shillings, or so much thereof as shall for the Time being be due and owing upon such District, after the Rate of Four Pounds *per Centum per Annum*:

Fourthly, in paying Interest on the said Debt or Sum of Five thousand three hundred Pounds, or so much thereof as shall for the Time being be due and owing upon such District, after the Rate of Four Pounds *per Centum per Annum*:

Fifthly, in repairing and maintaining the said Road in such District, not exceeding the Sum of Four hundred and fifty Pounds *per Annum*:

Sixthly, in reducing, paying off, and discharging, in manner herein-after provided, the said Debt or Sum of Money called the "old Debt," or such Part or Parts of such Debt as shall from Time to Time be due and owing from such District; and after Payment thereof, in reducing, paying off, and discharging in like Manner the said Debt or Sum of Money called the "new Debt," or such Part or Parts of such Debt as shall from Time to Time be due and owing from such District:

Seventhly, in maintaining, improving, and repairing the Road in such District.

XXVI. That

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XXVI. That from and after the passing of this Act all Arrears of Interest due and owing on the Credit of the Tolls of the Second District of the Road shall be and the same are hereby extinguished.

Arrears of Interest on Second District extinguished.

XXVII. Provided always, That no Interest shall accrue due in respect of the said Debts due on the said several Districts respectively, or any Part thereof, until the Trustees shall have received Sums sufficient to discharge and shall have paid the Expenses of obtaining and passing this Act or incident thereto.

No Interest to accrue until Expenses of Act are paid.

XXVIII. Whereas there is now in the Hands of the Treasurer of the Third District the Sum of Two hundred and twelve Pounds Five Shillings and Sevenpence, being Principal Monies, with an Accumulation of Interest thereon, and for which there are not now and have not been for many Years past any Claimants: Be it therefore enacted, That at any Time after the Expiration of Two Years from the passing of this Act the Trustees shall cause Notice to be given once in some Newspaper published in *London*, and in some Newspaper published in the County of *Derby*, for Two successive Weeks, of their Intention to appropriate such unclaimed Principal and Interest; and if the same or any future Principal and Interest be not within Three Months from the Date of the last Publication claimed, and such Claimant does not forthwith proceed to establish such Claim at Law, the said Principal and Interest, or any future Principal and Interest, after the like Notices have been given as aforesaid, as shall remain so unclaimed shall thereupon sink into and form Part of the general Funds of the said District, and shall be appropriated in Liquidation of the unpaid Debt, after deducting all necessary Expenses.

Application of unclaimed Money on Third District.

XXIX. That whenever and as long as the Interest upon all existing Mortgages made under the Powers of the said several recited Acts shall be duly paid, at the Rate herein-before mentioned, within Three Calendar Months next after the same shall have become due, no Holder of any Mortgage of the Tolls collected upon the said Road shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road, or into 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 Rents, shall pay the Interest from Time to Time becoming due, at the Rate herein-before mentioned, upon all the said existing Mortgagees without any Priority or Preference, 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

Mortgagees to take possession for Payment of Interest only.

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render to the Clerk or Clerks of the said Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same ; and if it shall appear by any such Account that the Interest due at the Rate herein-before mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the said Trustee, pay over to their Treasurer or Treasurers the Balance or Balances (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 said 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.

As to Mode
of discharg-
ing Debt.

XXX. That when and as often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls in any of the said Districts of the said Road shall amount to the Sum of One hundred Pounds, the Trustees of such District or Districts in which the same shall be so applicable shall, at any General Annual or other Meeting of such District or Districts, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall cause Notice to be given of such Meeting or Meetings, and of the Purposes thereof, so far as the same relate to the Application of such Sum, such Notice to be by Circular addressed to each Creditor at his usual or last named Place of Abode, and sent by Post Twenty-eight Days at least before such General Annual or other Meeting or Meetings, and at such Meeting or Meetings 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 said Tolls in the said District or Districts, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk or Clerks of the Trustees of such District or Districts before such Meeting or Meetings, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditors 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 said Tolls in such District or Districts as aforesaid, to the Creditor 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 Payments 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,
it

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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 in such District or Districts in which the same shall arise as such 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 relate, such Trustees may apply the Sum applicable to such Payments or the Surplus thereof (as the Case may be) rateably amongst the Creditors on the said Tolls, or may pay the same to such of them as may be determined by Lot, as such Trustees think fit.

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

No Money to be laid out or taken in Towns.

XXXII. Whereas Part of the Road comprised in this Act, lying between the Cross Post on *Wirksworth Moor* and the East End of the Road leading from a certain House called the "Steeple House," in the said Parish of *Wirksworth*, is not only used by Persons travelling upon and along the Second District, but also by Persons travelling upon and along the Third District; and Doubts have arisen as to the Proportion which ought to be borne by the said Districts of the Expense of repairing and keeping in repair the said Part of the said Road: Be it enacted, That the said Part of the said Road lying between the Points aforesaid shall from Time to Time and at all Times hereafter be kept in repair at the joint and equal Expense of the said Second and Third Districts.

Road from the Cross Post on Wirksworth Moor to Steeple House to be repaired at joint Expense of Second and Third Districts.

XXXIII. That a good and sufficient Fence shall at all Times hereafter be kept in repair, at the Expense of the said Second and Third Districts, to guard the Precipice on the West Side of the said Road between the Points aforesaid.

Fence to be maintained to guard the Precipice between Cross Post and Steeple House.

XXXIV. That nothing herein contained shall be deemed to exempt the said Road 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.

Road not exempted from future General Acts.

XXXV. That, except as herein-before provided, this Act shall commence on the First Day of *January* One thousand eight hundred and fifty-six, after the passing thereof, and shall continue in force for

Commencement and Term of Act.

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the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall next follow.

Expenses
of Act.

XXXVI. That all the Charges and Expenses incident to and occasioned by the obtaining and passing of this Act shall, as soon as conveniently may be after the passing of this Act, be paid and discharged out of the Monies arising or to be received in the said Districts, in proportion to the Amount of Tolls received in the Year One thousand eight hundred and fifty-four by each District respectively.

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