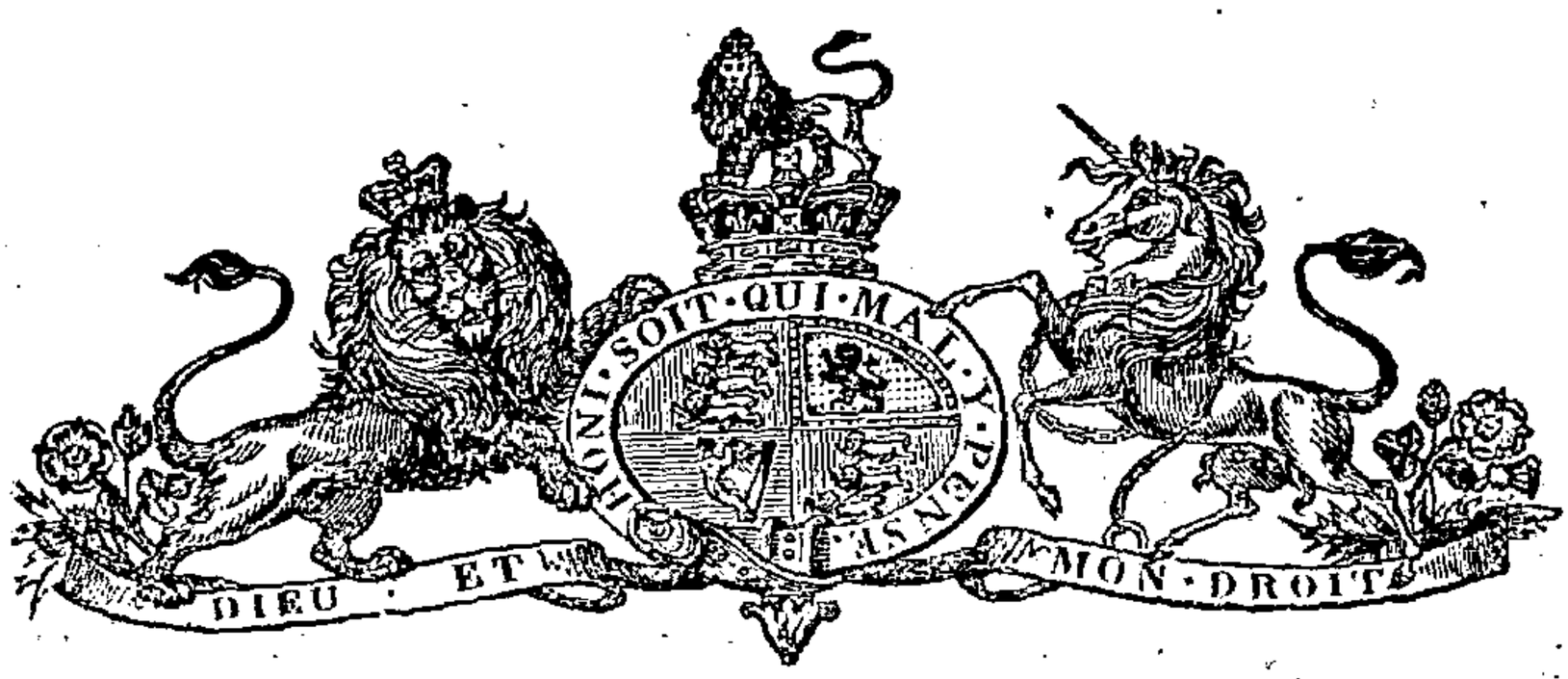


ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xxiii.

An Act for more effectually repairing the Road from *Chesterfield* in the County of *Derby* to *Worksop* in the County of *Nottingham*.

[15th *May* 1860.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing the Road leading from* Chesterfield *in the County of* Derby *to* Worksop *in the County of* Nottingham: And whereas the Term granted by the recited Act will shortly expire unless the same be further continued: And whereas the several Sums specified in the Schedule to this Act annexed, amounting to Seven thousand six hundred and forty Pounds, are now secured by Mortgages of the Tolls by the recited Act granted or continued, with Interest thereon at the Rate of Five Pounds *per Centum per Annum*: And whereas it is expedient that the recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof for the Maintenance and Repair of the Road, and for discharging the existing Debt of the Trust; but these 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 10 G. 4. c. lxxx.

and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. This Act may be cited for all Purposes as "*Chesterfield and Worksop* Road Act, 1860."

Recited Act repealed, and this Act to be put in force.

II. Upon the Commencement of this Act the recited Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth is hereby repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Interpretation of Terms.

III. In the Construction of this Act the following Words and Expressions have the several Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,)

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

The Expression "the Road" shall mean the Road to which this Act relates:

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

Moneys and Property vested in Trustees.

IV. All Rents, Arrears of Tolls, and other Moneys due to, and all Moneys, Property, and all Choses in Action vested in the Trustees under the Act by this Act repealed, shall, on the Commencement of this Act, 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 the Act by this Act repealed, and they shall be liable to all the Debts and Engagements to which the Trustees for executing the recited Act were liable at the Time of the Repeal thereof, except such as are reduced or extinguished by this Act.

Trustees.

V. All Her Majesty's Justices of the Peace for the Time bein acting for the County of *Derby* and for the County of *Nottingham* respectively, together with *Francis Rokeby Appleby*, *Godfrey Harry Arkwright* Clerk, *Frederic Arkwright*, *Alfred Arkwright*, *William Dodsworth Bates Bertles* Clerk, *John Barber*, *George Barrow*, *Alexander Crawford Bromehead* Clerk, *John Brown*, *Evelyn Brook Boothby* Clerk, *John Boyer* Clerk, *Alfred Barnes*, *Edmund Barnes*, *Alfred Brodhurst*, *Alexander Crawford Bromehead* the younger, Clerk, *George Butt* Clerk, *Charles Stanhope Bucke Busby*, *John Sanders Clarke*, *William Clayton*, *John Clayton*, *Thomas Carrington*, *John Cutts*, *George Crompton*, *William Clayton*, *William Drabble*, *Joseph Eyre*, *Edmund Bucknall Estcourt* Clerk, *William Fowler*, *John Fowler*, *John Firth*, *Richard Thomas Gratton*, *George Hewitt*, *John Mark Hewitt*, *Arthur*

Arthur Hankey, *Imanuel Halton* Clerk, *Michael Mangham Humble* Clerk, *John Hopkinson*, *John Hallewell*, *Thomas Jones*, *John Knowles*, *Thomas Burton Lucas* Clerk, *Bernard Maynard Lucas*, *Samuel Lucas*, *Bernard Lucas*, *Thomas Lund* Clerk, *James Lingard*, *Edward Walter Lowe* Clerk, *Mansfeldt Foster Mills*, *James Duncan Macfarlane* Clerk, *William Milnes*, *Charles Milnes*, *James Milnes*, *Henry Walthall Milnes*, *Joseph Nodder* Clerk, *James Clifford Newbold*, *Thomas Humphry Pedley*, *Henry Rangeley*, *Thomas Radford*, *Henry Bradley Roberts*, *George Shipton* Clerk, *Martyn Stapylton* Clerk, *Charles Steade*, *Courtney Smith* Clerk, *Frederick Swanwick*, *Francis William Sharpe* Clerk, *William Broughton Smith*, *Edmund Smith*, *Joseph Shipton*, *James William Thomas* Clerk, *Thomas Wilcockson*, *Edward Wright*, *John Wood*, *Charles Walter Whiter* Clerk, *Joseph Shipton Whitham*, *Robert Whall*, *Thomas Philpot Wood*, *Robert Waller*, and *Edmund Waller*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

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

First Meeting of Trustees.

VII. The Trustees shall hold their First Meeting at the *Angel* Inn in *Chesterfield* in the County of *Derby*, or at some other convenient Place on or near the Road, on the Second *Wednesday* next after the Commencement of this Act, or as soon after as conveniently may be, and proceed to the Execution of this Act, and the Trustees may from Time to Time adjourn themselves to meet at such Time and at such Place in the Neighbourhood of the Road as they shall think proper.

Road to which this Act is applicable.

VIII. This Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of amending, widening, improving, and keeping in repair the present Turnpike Road commencing at *Tapton Bridge* crossing the River *Rother*, being the Boundary between the Townships of *Chesterfield* and *Tapton* in the County of *Derby*, and terminating at the End of the Road leading to *Worksop Manor*, at the Northern Corner of a Plantation belonging to his Grace the Duke of *Newcastle*, in the Township of *Worksop* in the County of *Nottingham*.

Tolls to be taken.

IX. The Trustees, or their Lessee in pursuance of any subsisting Lease, may continue to collect and receive the Tolls as taken upon the Road previous to the Commencement of this Act until the First Day

Day of *January* One thousand eight hundred and sixty-one; and from and after such First Day of *January*, until the Principal Sums of Money mentioned in the Schedule to this Act are paid off and discharged, the Trustees may demand and take, or cause to be demanded and taken, at the several and respective Toll Gates which shall be upon or at the Side of the Road, such several and respective Tolls as the Trustees shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Sociable, Chariot, Curricle, Calash, Berlin, Chaise, Phæton, Hearse, Stage Coach, Diligence, Van, Caravan, Whiskey, Gig, Chair, or Taxed Cart, or any other such like Carriage, Fourpence Halfpenny:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Tumbril, or other such like Carriage upon Wheels, the Fellies of which are of the Breadth of Six Inches or upwards, Fourpence Halfpenny, if such Waggon, Wain, Cart, Tumbril, or other Carriage shall be drawn by Four or more Horses, Mules, or Beasts; but if drawn by less than Four Horses, Mules, or Beasts, then Fourpence for every such Horse, Mule, or Beast:

For every Horse or other Beast drawing any Cart upon Two Wheels, the Fellies of which are of the Breadth of Four and a Half Inches or upwards, Fivepence, if such Cart shall be drawn by Two or more Horses or other Beasts; but if any such Cart shall be drawn by only One Horse or other Beast, then Fourpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Tumbril, or other such like Carriage upon Two or more Wheels, the Fellies of which are of less Breadth than Four and a Half Inches, Eightpence, if any such Waggon, Wain, Cart, Tumbril, or Carriage shall be drawn by Three or more Horses, Mules, or Beasts; but if drawn by less than Three Horses, Mules, or Beasts, then Sixpence for each and every such Horse, Mule, or Beast:

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

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

For every Calf, Sheep, Lamb, Hog, or Swine, the Sum of One Halfpenny:

For every Horse or other Beast drawing any Carriage with Wheels of the Breadth of Six Inches or upwards, loaded with any Millstones, Block or Blocks of Stone, Piece or Pieces of Timber, and drawn by Five Horses or other Beasts, Sixpence; and if drawn by more than Five Horses or other Beasts, the further Sum of One Shilling for each such Horse or Beast exceeding that Number:

For every Horse or other Beast drawing any Carriage with Wheels of less Breadth than Six Inches, loaded as aforesaid, and drawn by Five Horses or other Beasts, the Sum of Ninepence; and if drawn by

by more than Five Horses or other Beasts, the further Sum of One Shilling for each such Horse or Beast exceeding that Number:

For every Carriage not drawn by any Horse or other Beast, but propelled or moved along the Road by Machinery or otherwise than by Animal Power, the Sum of One Shilling for each Wheel of such Carriage:

And when the Principal Sums of Money mentioned in the Schedule to this Act are paid off and discharged, the Trustees may demand and take in like Manner such several and respective Tolls as they shall from Time to Time direct, provided the same are of smaller Amount than were demanded and taken before such Sums of Money were paid off and discharged; which said Tolls shall be paid before any Horse, Beast, Cattle, or Carriage whatsoever in respect of which a Toll is payable shall pass through any Toll Gate which shall be upon or at the Side of the Road.

As to the fractional Part of a Halfpenny.

X. 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.

Limiting the Number of Tolls to be taken at the same Gate on the same Day.

XI. Every Horse, Beast, and Carriage in respect whereof the Tolls by this Act authorized to be taken shall have been paid at any Toll Gate upon or on the Side of the Road shall on the same Day be permitted to repass and pass Toll-free, as follows; (that is to say,) upon the Production of a Ticket denoting One Payment of the Tolls, such Horse, Beast, and Carriage may repass once at the Toll Gate at which such Payment was made, and may pass and repass once through all other Toll Gates that may be freed by such Payment; upon the Production of Two Tickets denoting that Payment of the Tolls has been made in respect of the same Horse, Beast, and Carriage twice, such Horse, Beast, and Carriage may repass and pass through the Toll Gate at which such Tolls have been paid, and through all other Toll Gates that may be freed by such Payment (except in the Cases herein-after mentioned).

Limiting the Number of Tolls to be taken on the same Day.

XII. The Number of full Tolls which the Trustees may take upon the Road in the same Day are as follows; (that is to say,) between *Chesterfield* and *Barlborough* One full Toll and One Half of a full Toll; and between *Barlborough* and *Worksop* One full Toll and One Half of a full Toll (except in the Cases herein-after mentioned).

Stage Coaches, &c. to pay every Time of passing.

XIII. The Tolls by this Act made payable for or in respect of Horses or Beasts drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Carriage conveying Passengers or Goods for Hire or Reward, or for or in respect of any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Carriage propelled by Machinery, used for the

the same Purpose, shall be payable and paid every Time of passing or repassing along the Road.

Postchaises, &c. on every new Hiring.

XIV. The Tolls by this Act made payable for or in respect of Horses or other Beasts let out to Hire, and drawing any Postchaise or other Carriage, or for or in respect of any Postchaise or other Carriage propelled by Machinery let out on Hire, shall be payable and paid every Time of passing or repassing along the Road whenever any new Hiring thereof shall take place.

Tolls on Horses drawing different Carriages.

XV. The Tolls by this Act made payable in respect of Horses or Beasts drawing any Carriage or Vehicle whatsoever shall be paid for every Time during the same Day that any such Horse or Beast shall pass through any Toll Gate on the Road drawing any laden Carriage or Vehicle other than that which such Horse or Beast shall have been employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse or Beast.

Trustees may accept an Offer for extended Period for Lease of Tolls.

XVI. If before the Expiration of any Lease or Agreement to take to farm the Tolls by this Act granted, or any of them, the Trustees shall receive an Offer for a Lease or Agreement to take to farm such Tolls for a further Period, not exceeding Three Years, at a Rent or yearly Payment exceeding the Rent or yearly Payment then paid for such Tolls, and if the Trustees shall be of opinion and resolve that in their Judgment it will be more beneficial to the Trust that such Offer should be accepted than that the Tolls should be put up to Auction in the Manner provided by Section Fifty-five of the General Turnpike Act, Third *George* the Fourth, Chapter One hundred and twenty-six, the Trustees may accept such Offer, and carry the same into effect, anything contained in such Fifty-fifth Section to the contrary notwithstanding.

Extinguishment of Arrears of Interest.

XVII. And whereas upon the Principal Money now owing on the Credit of the Tolls authorized to be taken on the Road there is an Arrear of Interest up to the Thirty-first Day of *December* One thousand eight hundred and fifty-nine, amounting to the Sum of Fifteen thousand three hundred and ninety-nine Pounds or thereabouts: Be it enacted, That the whole of such Arrear of Interest shall be and the same is hereby extinguished.

Application of Moneys.

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

First. In paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly. In paying the Expenses of erecting and providing, altering, and keeping in repair the Toll Gates, Toll Houses, and Weighing Machines, and their Appurtenances, and in paying the Salaries and Remuneration

Remuneration to be made to Officers and other Persons employed by the Trustees, and the Cost attending the Management of the Road, but the Amount so applied shall not exceed the Sum of Seventy Pounds *per Annum*, exclusive of the Wages of Toll-gate Keepers, and Expenses of Actions at Law, and Indictments and Proceedings before Justices of the Peace:

Thirdly. In paying the Expenses of maintaining and keeping in repair the Road, not exceeding Two hundred Pounds *per Annum*:

Fourthly. In paying Interest from the First Day of *January* One thousand eight hundred and sixty, after the Rate of Two Pounds *per Centum per Annum* upon the Principal Sums of Money mentioned in the Schedule to this Act, or on so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the Road:

Fifthly. In reducing, paying off, and discharging in manner hereinafter mentioned the Principal Sums of Money mentioned in the Schedule to this Act, or such Parts thereof as for the Time being shall be owing on the Credit of the Tolls authorized to be taken on the Road:

And lastly. In further paying the Expenses of maintaining and keeping in repair the Road.

As to the Mode of discharging Debt.

XIX. When and so often as the Sum applicable to the Discharge of any Principal Money for the Time being owing on the Credit of the Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at some General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of such Principal Money to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Object or the Purpose thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *Derby*, or by Letter addressed to each Mortgagee, and at such Meeting the Trustees shall apply such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of Money owing on the Credit of the Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Money, and, after Payment to such Creditor as aforesaid, shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Payment of other Money owing on the Credit of the Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Money owing 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

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 Money 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 on the Tolls, or may pay the same to such of them as may be determined by Lot or otherwise, as the Trustees shall think fit.

Mortgagees not to enter into possession while Interest is paid.

XX. Whenever and so long as the Interest of any Mortgage upon the Tolls shall be duly paid, at the Rate in this Act mentioned, within Three Months next after the same shall become due, the Holder of such Mortgage shall not be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Road, 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, at the Rate in this Act mentioned, upon all the Principal Sums for the Time being owing on the Credit of the Tolls, 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 yearly Days whereon the Interest on such Principal Sums 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 Account that the Interest due at the Rate in this Act mentioned on such Principal Sums up to the last of such yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, 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 Possession of the Toll Gates, Toll Houses, and Buildings, and the Receipt of the 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 laid out or taken in any Town.

XXI. No Money shall be laid out on any Portion of the Road comprised within the Limits of any Local Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

Road not exempt from Provisions fo General Acts.

XXII. Nothing in this Act contained shall be deemed to exempt the 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.

XXIII. This

Chesterfield and Worksop Road Act, 1860.

Commencement and Term of Act.

XXIII. This Act shall commence on the Second *Monday* 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.

The SCHEDULE referred to in the foregoing Act.

MORTGAGE DEBT.

Mortgagees.	Mortgage Debt.
	£
The Executors of the late Thomas Lowndes - -	3,650
The Executors of the late Anthony Lax Maynard -	3,650
Edmund Gilling Maynard - - - -	300
Robert Hartshorne Barber - - - -	40
£	7,640

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