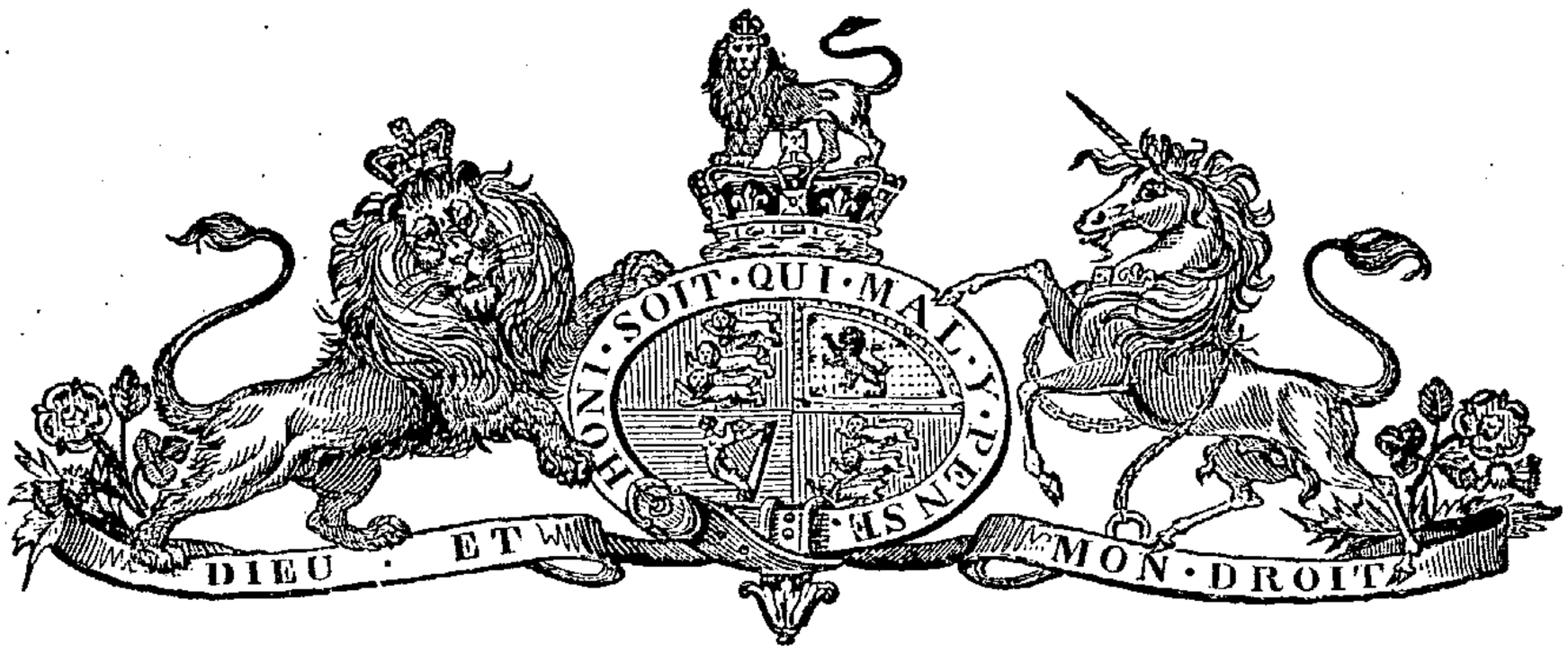


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. CCXV.

An Act for continuing the Term of the Turnpike Roads from *Brimington* and *Chesterfield* in the County of *Derby* to the *High Moors* in the Parish of *Brampton* in the said County; and for other Purposes. [5th *July* 1865.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Roads from* Brimington *and* Chesterfield *in the County of* Derby, *over the* High Moors, *to the several Places therein mentioned:* 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 respective Years of Twenty-sixth and Fifty-first Years of the Reign of King *George* III. and the Third Year of the Reign of King *William* IV. will expire on the First Day of *November* 1865, unless the same be in the meantime continued: And whereas the several Sums of Money specified in the Schedule to this Act are now due and owing on the Credit of the Tolls of the said Roads, and the Money so secured cannot be paid unless the Term of the last-recited Act be continued, and further Powers be granted: And whereas it is

6 G. 3. c. 80.
26 G. 3. c. 149.
51 G. 3. c. 112.
3 & 4 W. 4. c. lxxxviii.

expedient that the Powers and Provisions of the said recited Act of the Third Year of King *William* IV. should be repealed, and more effectual and other Provisions be made in lieu thereof, and that certain Parts of the existing Roads should cease to be maintained as Turnpike Roads: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

3 & 4 W. 4. c. lxxviii. repealed.

1. That the said recited Act of the Third Year of the Reign of His late Majesty King *William* IV. shall continue in force until the First Day of *November* One thousand eight hundred and sixty-five, and from and after that Date the same is hereby repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

2. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression the "*Chesterfield*, *Dunstone*, and *High Moors* Turnpike Act, 1865."

Interpretation of Terms.

3. 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 Expression "Trustees" shall mean the Trustees for the Time being acting in execution of this Act or of the last-recited Act:

The Expression "the Roads" shall mean all the Roads 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 from Time to Time continued or set up upon, across, or by the Side of the Roads, or across any Highway or other Carriageway or Bridleway communicating therewith:

The Word "Carriage" shall mean and include all Carriages, Coaches, Stage Coaches, Omnibuses, Cabs, Flys, Vans, Caravans, Chariots, Chaises, Postchaises, Curricles, Phaetons, Cars, Gigs, Dog Carts, Calashes, Taxed Carts, Chairs, and other Vehicles, by whatever Names known, respectively adapted or used for the Conveyance of Persons or light Articles, and also all Hearses and Breaks, and all other Vehicles not comprised by this Act in the Word "Cart," "Waggon," or "Steam Carriage:"

The Word "Cart" and the Word "Waggon" shall respectively mean and include all Carts, Waggons, Wains, Vans, Caravans, Drays, Timber Carriages, and other Vehicles, by whatever Names known, which respectively are usually adapted or used for the Conveyance of heavy Articles:

The Expression "Steam Carriage" shall mean and include all Carriages, Carts, or Waggons containing within themselves the Machinery for their own Propulsion.

Description of Roads.

4. The Roads to which this Act relates commence at or from the West Side of the *Sheffield and Chesterfield* Turnpike Road in the Township of *Whittington*, and on the West Side of the Boundary of the Borough of *Chesterfield* in the Township of *Newbold*, and extend North-westwardly and Westwardly by Two Branches by *Dunstone* and *Newbold* respectively to *Cutthorpe* and the *High Moors* at the Junction with the *Chesterfield and Hernstone Lane Head* Road in the Parish of *Brampton*, all in the County of *Derby*, and the said Roads shall be called "The *Chesterfield, Newbold, Dunstone*, and *High Moors* Turnpike Roads."

Certain Parts of the existing Roads to cease to be Turnpike.

5. From and after the Commencement of this Act so much of this Road as extends from the Eastern Side of the *Chesterfield and Sheffield* Turnpike Road in the Township of *Whittington*, and extends thence to the *Worksop and Chesterfield* Turnpike Road in the Village of *Brimington* in the said County of *Derby*, shall ceaseto be repaired or maintained by or to be under the Jurisdiction or Control of the Trustees, but shall become and remain Highway, and be repaired as public Highways are repairable by Law.

Securities under the former Acts to be good under this Act.

6. Notwithstanding the Repeal of the said recited Acts, and except as is by this Act otherwise expressly provided, all Mortgages, Bonds, Covenants, Agreements, and Securities made or entered into by any Person to or with any of the Trustees for executing the said several recited Acts, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity until the same are or shall be fully satisfied and performed; and all Contracts, Agreements, Leases, Demises, Mortgages, and Securities duly made and entered into by the Trustees for executing the said Acts to or with any Person shall 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 Tenor thereof respectively, except as altered by this Act.

Monies and Property to vest in the new Trustees.

7. All Monies due to, and all Property, Books, Accounts, Papers, Writings, or other Things, and all Choses in Action, vested in or belonging

belonging to, the Trustees under the 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, subject to the Provisions of this Act, 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 so far as may be altered, reduced, or extinguished by this Act.

Appointment of new Trustees.

8. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Derby*, together with the Reverend *Godfrey Henry Arkwright*, *Alfred Barnes*, *Edmund Barnes*, *William Barnes*, the Reverend *Alexander Crawford Bromehead* the elder, the Reverend *Alexander Crawford Bromehead* the younger, *John Brown*, the Reverend *John Boyer*, *Charles Stanhope Burke Busby*, the Reverend *George Butt*, the Reverend *Henry Cottingham*, *George Crompton*, *William Claughton*, *George Henry Cavendish*, *John Wilkinson Clay*, *William Clay*, *Charles Clayton*, *John Clayton*, *Richard George Coke*, *Job Denham*, *William Drabble*, *John Drabble* (*Hollins*), *John Drabble* the younger, *William Fowler*, *George Hewitt*, *John Mark Hewitt*, *Joseph Hall*, the Reverend *Thomas Hill*, *Stephen Holmes*, the Reverend *Thomas Hirst*, *Samuel Lancaster*, *John Lancaster*, *James Lingard*, the Reverend *Thomas Burton Lucas*, *David Lowe*, *James Lowe*, *Samuel Lowe*, *John Lingard*, *John Marsden*, *Edwin Mason*, *Stephen Melland*, *Simeon Manlove*, *Robert Nall*, *John Oldfield*, the Reverend *William Peach*, *William Redfern*, *John Edward Roberts*, *William Rooth*, *Josiah Bradbury Robinson*, *George Shaw*, the Reverend *Courtenay Smith*, *William Smith*, *Edmund Smith*, *Frederick Swanwick*, *Joseph Shipton*, the Reverend *George Shipton*, *James Ball White*, *Joseph Wilcockson*, *Edward Wright*, *John Wood*, *Robert Waller*, *William Waller*, *Edmund Waller* M.D., *John Walton Wright*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

First Meeting of Trustees.

9. The Trustees shall meet at the *Commercial* Inn in *Chesterfield*, or some other convenient Place in the Neighbourhood of the Roads, on the Day of the Commencement of this Act, or as soon after as may be convenient.

Power to appoint additional Trustees.

10. It shall be lawful for the Trustees at any Meeting to be held under or by virtue of this Act to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three, at any such Meeting, to be Trustees for the Purposes of this Act and of the said General

General Turnpike Acts, in addition to the Trustees hereby nominated and appointed; and such Trustees, when so elected and appointed, and being qualified according to the Directions of the said General Turnpike Acts, shall be and they are hereby invested with the same Powers and Authorities for executing the same and this Act as if they had been hereby named and appointed.

Power to take Tolls.

11. It shall be lawful for the Trustees or any Collector or Collectors to demand and take at the several and respective Toll Gates already erected by virtue of the said Acts which shall by virtue of this Act be upon or on the Sides of the Roads, and at all such other Toll Gates as may hereafter be erected on or at the Sides of the said Roads, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sum mentioned in the Schedule hereinafter set forth; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Carriage, Sixpence:

For every Horse or other Beast drawing any Cart or Waggon with Four Wheels, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, with flat Surfaces, Twopence Halfpenny:

For every Horse or other Beast drawing any Two-wheeled Cart, and having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Nine Inches, with flat Surfaces, Twopence Halfpenny:

For every Horse or other Beast drawing any Cart or Waggon having Four Wheels, and for every Horse or other Beast drawing any Two-wheeled Cart having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, with flat Surfaces, Fourpence:

For every Horse or other Beast drawing any Cart or Waggon having Four Wheels, and for every Horse or other Beast drawing any Two-wheeled Cart having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four and a Half Inches, with flat Surfaces, Fivepence:

For every Horse or other Beast drawing any Cart or Waggon with Four Wheels, and for every Horse or other Beast drawing any Two-wheeled Cart having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches, with flat Surfaces, Sixpence:

For every Beast of Draught or Burden, laden or unladen and not drawing, One Penny Halfpenny:

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

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

Tolls, &c. vested in Trustees.

And the said Tolls, Toll Houses, and Toll Gates shall be respectively vested in the said Trustees; and the said Tolls shall be demanded and taken before the Horse or other Beast, Waggon, Cart, or other Carriage shall be permitted to pass through any Toll Gate which shall be upon, across, or by the Side of the said Roads, and shall be demanded and payable in respect of the greatest Number of Horses or other Beasts attached to any Carriage, Cart, or Waggon at any Time during Transit over any Portion of these Roads.

24 & 25 Vict. c. 70. extended to this Act.

12. The Provisions of the "Locomotive Act, 1861," shall extend to this Act.

Limiting the Number of Tolls.

13. Provided always, That no more than Two Tolls shall be demanded or taken upon the whole Line of the said Roads from the Commencement of these Roads at the *Chesterfield and Sheffield* Road aforesaid, or from *Chesterfield* aforesaid to the *High Moors*, nor more than One Toll between the *Hernstone Lane Head* Turnpike Road and Two certain Toll Bars called *Key Green* and *Upper Newbold* Bars, or between the Village of *Barlow* and the Town of *Chesterfield*:

No Person to go and return more than twice for One Toll.

Provided further, that no Horse or other Cattle drawing any Cart or other Carriage shall be allowed to pass through any Toll Gate upon the said Roads more than Four Times upon the same Day before Twelve of the Clock at Night for the Payment of One Toll, (that is to say,) twice when going and twice when returning, but not more than Two full Tolls to be paid on one and the same Toll Bar.

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

14. The Tolls hereby made payable shall be paid for every Horse or other Beast drawing any Stage Coach, Caravan, Stage Waggon, or other Carriage conveying Passengers or Goods for Hire or Reward each Time of passing through each of the said Gates: Provided nevertheless, that no further or additional Toll shall be paid in respect of the Horses or other Beasts drawing any such Stage Coach, Caravan, Stage Waggon, or other Stage Carriage on account only of the Horses or other Beasts drawing the same having been changed.

Postchaises on every fresh Hiring.

15. Provided always, That the Tolls hereby made payable shall be paid for every Horse or other Beast let out to Hire, and drawing any Postchaise or other Carriage, for each Time of passing along the said Road whenever any new or fresh Hiring thereof shall take place.

Steam Carriages to pay each Time of passing.

16. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, Machinery, or any other like Means shall be paid

paid every Time of passing and repassing of such Carriage along the said Road.

As to the Fraction of a Halfpenny in Tolls.

17. In all Cases when there shall be a fractional Part of a Halfpenny in the Calculation or Amount of any of the Tolls hereby authorized the full Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limiting Exemption from Toll.

18. Provided always, That no Horse or other Beast drawing any Waggon, Cart, or Carriage shall be exempt from Toll on passing through any of the Toll Gates by reason of any previous Payment of Toll during the same Day, unless such Horse or other Beast shall at the Time of such previous Payment of Toll have been drawing the same Waggon, Cart, or Carriage as that which such Horse or other Beast shall be drawing at the Time when such Exemption shall be claimed.

One Horse Carts may be weighed.

19. All Carts passing along the Roads drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or hereafter to be erected on the 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 with Wheels of less Breadth than Four Inches and a Half drawn by more than One Horse; 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 Roads with such Wheels as aforesaid drawn by One Horse only, and to the Drivers, Masters, and Owners thereof respectively; and no such Cart or Carriage drawn by One Horse as aforesaid shall, with the Loading thereof, weigh more than One Ton Ten Hundredweight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than One Ton Five Hundredweight in Winter (to be computed from the Thirty-first Day of *October* to the First Day of *May*), or such Drivers, Masters, or Owners thereof shall be liable to pay such additional Tolls or Penalties for Overweight as are now by Law payable or recoverable for or in respect of such Carts or Carriages drawn by more than One Horse.

Application of Monies.

20. All Monies which shall be in the Hands of the Trustees at the Time of the Commencement of this Act, or which shall come to the Hands of the Trustees by virtue of this Act, shall be applied as follows; (that is to say,)

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

Secondly,

Secondly, in paying the Salaries and Expenses of general Management, not exceeding Fifty 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 at the Rate of Four Pounds *per Centum per Annum* upon the Debt specified in the Schedule to this Act, or upon so much thereof as shall for the Time being be due and owing:

Fourthly, in repairing and maintaining the Roads, not exceeding in any Year Five hundred Pounds:

Fifthly, in reducing, paying off, and discharging, in manner hereinafter provided, the said Debt of £2,087 10*s.*:

Lastly, in further maintaining, repairing, and improving the Roads.

Trustees not to borrow.

21. The Trustees shall not borrow any Money upon the Credit of the Tolls by this Act authorized.

Arrears extinguished.

22. From and after the First Day of *November* One thousand eight hundred and sixty-five the whole of the Arrears of Interest due and remaining unpaid upon the said Bonded or Mortgage Debt of £2,087 10*s.* at that Date shall be extinguished.

Mortgagees to take possession for Arrears of Interest only.

23. Whenever and so long as the Interest upon the Mortgage Debts specified in the Schedule to this Act shall be duly paid at the Rate herein-before mentioned within Six Months next after the same shall have become due no Mortgagee of the Tolls shall enter into possession of the Toll Gates, or into Receipt of the Tolls or of the Rent payable upon any Letting of the Tolls, or until Twenty-eight Days after Demand in Writing made by the Mortgagee on the Clerk to the Trustees for the Payment of the Interest, and Default made in Payment accordingly; and every Mortgagee entering into possession of such Toll Gates, 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 Mortgages, 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 to the Clerk of 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

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 Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the Toll Gates, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the Trustees, or any Person appointed by them to receive the same, anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

As to Mode of discharging Debt.

24. Whenever the Money applicable to the Discharge of the Principal Sums owing on the Mortgage Debts amount to Two hundred Pounds, the Trustees shall at any Meeting apply the Money in Payment as by this Act provided of a proportionate Part of the Mortgage Debts to the Persons entitled thereto, and shall Twenty-eight Days at least before the Meeting give Notice of the Meeting and of the Purposes thereof, so far as the same shall relate to the Application of the Money, by Letter sent by Post to every Mortgagee, directed to his usual or last known Place of Abode; and at the Meeting the Trustees shall apply the Money or a Portion thereof (as the Case may require) in or towards the Discharge of the Mortgage Debt owing to the Mortgagee who, by Writing transmitted to the Clerk of the Trustees before the Meeting, shall have offered to accept the lowest Composition in respect of his Debt, and after Payment to him shall apply the Surplus (if any) of the Money or a Portion thereof (as the Case may require) in or towards the Discharge of the Mortgage Debt owing to the Mortgagee who in like Manner shall have offered to accept the next lowest Composition in respect of his Debt, and so in like Manner until the Money so applicable is exhausted; and whenever Two or more Mortgagees offer to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between them, or may pay the Composition equally between them; and if there be no such Offer, or if there be any Surplus of the Money so applicable, after applying the same, so far as may be necessary, in or towards the Discharge of the Mortgage Debts to which the Offers relate, the Trustees shall either apply the Money applicable, or, as the Case may be, the Surplus thereof, rateably amongst the Mortgagees, or to such of the Mortgagees as may be determined by Lot, as the Trustees shall think fit, and the Mortgagees respectively shall receive the same accordingly.

Duration of Act.

25. This Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and sixty-five, and shall continue and be in force for Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Roads not exempt from General Acts.

26. Nothing herein contained shall be deemed to exempt the Roads from the Provisions of any General Act relating to the Consolidation or other improved Arrangement of Turnpike Roads now in force, or from the Provisions of any other Local Act for the Consolidation of this Trust with any other adjoining Road or Roads which may pass during the present or any future Session of Parliament.

Tolls to be reduced when Debt paid off.

27. When and so soon as the Principal Sums specified in the Schedule to this Act annexed shall have been discharged, the Trustees shall and they are hereby required to make a rateable Reduction in the Amount of the respective Tolls demanded and taken by the Trustees at the respective Toll Gates; and it shall be lawful for the Trustees from Time to Time to raise and again to reduce such respective Tolls, so that such Sums of Money only may be received from the Tolls as will in the Judgment of the Trustees be sufficient for the Purposes of this Act, after the Principal Sums of Money specified in the Schedule to this Act and the Interest thereon shall have been discharged.

SCHEDULE referred to in the foregoing Act.

Name of Creditor.	Amount of Debt.		
	£	*s.*	*d.*
Cowley, Sarah - - -	125	0	0
Crookes, James - - -	62	10	0
Hinde, George - - -	175	0	0
Smith, Miss Margaret - -	400	0	0
Smith, Rev. Wm. (Executors of) -	1,325	0	0
Total - -	£2,087	10	0

LONDON:

Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1865.