ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

## *Cap.* cxliv.

**An Act to extend the Term and amend the Provisions of the Act relating to the *Cromford and Belper* Turnpike Road. [29th *June* 1865.]**

WHEREAS an Act (herein referred to as the "recited Act") was passed in the Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act for more effectually repairing the Road from the Town of* Cromford *to the Town of* Belper, *and the Road from the Main Road near the River* Amber *to the Turnpike Road at* Bull Bridge, *all in the County of* Derby: And whereas the Term granted by the recited Act will expire at the Close of the next Session of Parliament: And whereas the several Debts specified in the Schedule to this Act annexed and amounting together to Five thousand and four Pounds Fifteen Shillings and Fourpence are now secured by Mortgage of the Tolls authorized to be taken by the recited Act: And whereas the Monies so borrowed cannot be paid unless the Term of the recited Act be continued and further Powers be granted: And whereas it is expedient that the recited Act be repealed, and that further and more effectual Powers be granted instead thereof; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May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

6 & 7 Vict. c. xcv.

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,)

Short Title and Commencement and Term of Act.

**1.** This Act may for all Purposes be cited as "The *Cromford and Belper* Turnpike Road Act, 1865," and it shall commence on the Second *Wednesday* next after the passing thereof, and shall continue for the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, unless the Principal of the Debt herein-after referred to shall have been sooner paid off, in which Case the Act shall forthwith expire and the Roads cease to be Turnpike.

Interpretation of Terms.

**2.** In this Act the following Words and Expressions shall have the following Meanings, unless excluded by the Subject or Context; (that is to say,)

The Expression "the Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act:

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

The Expression "Toll Gate" shall mean and include all Toll Gates, Turnpikes, Bars, and 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, Dogcarts, 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" or "Waggon:"

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 adapted or used for the Conveyance of heavy Articles.

Recited Act repealed.

**3.** On the Commencement of this Act the recited Act shall be and is hereby repealed.

Monies and Property to vest in the new Trustees.

**4.** All Monies due to and all Property and Choses in Action vested in the Trustees under the recited Act shall immediately 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

recover the same and act in respect thereof as effectually as if the same had been vested in them under the recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Time of the Repeal thereof, except such as are reduced or extinguished by this Act.

Names of Trustees.

**5.** All Her Majesty's Justices of the Peace for the Time being acting for the County of *Derby*, together with *Frederic Arkwright*, *James Charles Arkwright*, *George Argile*, *Joseph Alton*, *John Balguy*, *Richard Barber* Clerk, *Isaac Bowmer*, *Thomas Bowmer*, *Abraham Brown*, *Edward Brettle*, *George Brettle*, *Henry Cox*, *William Else*, *William Frost*, *Jonathan Fletcher*, *William Henry Goodwin*, *Herbert Goodall*, *Edward Hall Garton*, *Thomas Lichfield Harrison*, *Imanuel Halton* Clerk, *George Cressy Hall*, *John Hawkins*, *George Hill*, *Michael Jessop*, *Samuel Kiddy*, *William Rylance Melville* Clerk, *Ernest Swinnerton Milnes*, *Joseph Morrell*, *Samuel Prince* Clerk, *Thomas Radford*, *Samuel Radford*, *Samuel Sims*, *John Smedley*, *Richard Clayton Shelley*, *Edward Millar Wass*, *Henry Walthall Walthall*, *William Walker*, *William Walker* the younger, *Adam Washington*, *William Webster*, *Robert Whittaker*, *John Webster*, and *Humphrey Winson*, 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.

**6.** The Trustees may from Time to Time elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three in the whole at any One Time, to be Trustees for executing this Act, in addition to the Trustees by this Act 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 and other Meeting of Trustees.

**7.** The Trustees shall hold their First Meeting under this Act on some Day in the Month of *August* next, at the House known by the Name or Sign of the *Greyhound* Inn in *Cromford* in the County of *Derby*, or at some other convenient Place in the Neighbourhood of the Roads, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the Roads as they shall think proper.

Power to appoint Committees.

**8.** The Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be

be accountable according to the Instructions and Regulations so to be made.

Purposes of Act.

**9.** This Act shall be put into execution for the Purpose of discharging the several Mortgage Debts specified in the Schedule to this Act and the Interest thereon, and for maintaining, repairing, and improving the following Roads, namely, the Turnpike Road commencing at the Road which leads from *Cromford Bridge* into the Town of *Cromford* and near to the Entrance into the said Town, and terminating at the Entrance into the Town of *Belper*, and also the Turnpike Road commencing at the Main Road herein-before described, near the River *Amber*, and terminating in the Turnpike Road at *Bull Bridge*, all in the County of *Derby*.

Present Tolls continued for a Term.

**10.** Notwithstanding the Repeal of the recited Act, the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates or Toll Bars to be continued or erected on or on the Sides of the Roads until Twelve o'Clock at Noon on the Thirty-first Day of *December* One thousand eight hundred and sixty-five.

Power to take Tolls.

**11.** On and after Twelve o'Clock at Noon of the said Thirty-first Day of *December* One thousand eight hundred and sixty-five it shall be lawful for the Trustees, subject to the Provisions of this Act, to demand and take or cause to be demanded and taken at the several and respective Toll Gates which shall by the virtue of this Act be upon or on the Sides of the Roads such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is.to say,)

Tolls.

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

For every Horse or other Beast drawing any Waggon having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, Fourpence Halfpenny:

For every Horse or other Beast drawing any Waggon having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches, Fourpence:

For every Horse or other Beast drawing any Waggon having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches and less than Nine Inches, Threepence:

For every Horse or other Beast drawing any Waggon having the Sole or Bottom of the Fellies of the Wheels thereof of Nine Inches or upwards, Twopence:

For

For every Four-wheeled Carriage fixed in any Manner to any Cart or Carriage, Sixpence if empty, and if loaded One Shilling; and for every Two-wheeled Carriage so fixed, Threepence if empty, and if loaded Sixpence:

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

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

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

For every Goat or other such like Animal drawing any Cart, Carriage, Truck, Barrow, or other such like Carriage, Sixpence:

Which said respective Tolls shall be paid before the Horse or other Beast, and before the Carriage, Cart, or Waggon liable to Toll respectively shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the Roads or on the Sides thereof.

As to the Fraction of Halfpenny in Tolls.

**12.** 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, One Halfpenny shall be payable instead of such fractional Part.

Only Two full Tolls to be payable for passing through all the Gates.

**13.** Excepting as is by this Act specially provided, no more than Two full Tolls shall be taken for passing in the same Day with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates erected or to be erected or continued on the said Roads.

Persons having paid Toll to return and to pass and return Toll-free.

**14.** All Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) 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 in returning and also in passing and returning again once through the same Toll Gate, Toll Bar, or Chain, and through such other Gate, Bar, or Chain (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Only Three full Tolls to be payable at any One Gate.

**15.** Excepting as is by this Act specially provided, no more than three full Tolls shall be taken for passing and repassing through the same Gate in the same Day with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty.

Postchaises to pay on every fresh Hiring.

**16.** Provided always, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day.

Regulations as to Stage Coaches, &c.

**17.** All Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, or other Stage 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 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 additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any 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.

Limiting Exemption from Toll.

**18.** No Horse or other Beast drawing any Waggon, Cart, or other Carriage shall be exempt from Toll on passing through any Toll Gate 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 other Carriage as that which such Horse or other Beast shall be drawing at the Time when such Exemption shall be claimed.

Trustees may reduce the Tolls for Lime or Chalk for Manure.

**19.** It shall be lawful for the Trustees at any Meeting to be specially called for the Purpose to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon laden only with Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the Trustees shall at any such Meeting agree or determine, and after the making of any such Order such reduced Tolls only shall in respect of the Matters last mentioned be payable.

24 & 25 Vict. c. 70. to apply.

**20.** The Provisions of "The Locomotive Act, 1861," with reference to Tolls and otherwise, shall extend to this Act.

Extinguishment of Arrears of Interest, and Trustees not to borrow.

**21.** All Arrears of Interest which may be due on the Commencement of this Act shall be and the same are hereby extinguished, and the Trustees shall not borrow any Money on the Security of the Tolls by this Act granted.

**22.** All

Application of Monies arising from Tolls.

**22.** All Monies which shall be in the Hands of the Trustees at the Time of the passing of this Act, or which shall come to their Hands from the Tolls authorized by 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:

Second. In paying the Salaries of Officers and the ordinary necessary Expenses of the Management of the Trust, but these Expenses together shall not exceed Sixty-five Pounds *per Annum*, exclusive of the Salaries of Toll Gate Keepers and the Expenses of removing, erecting, repairing, and altering Toll Gates and Toll Houses, and Expenses with respect to Actions at Law and Indictments or Proceedings before Magistrates:

Third. In discharging the Interest at the Rate of Two Pounds and Ten Shillings *per Centum per Annum* upon the Debt of Five thousand and four Pounds Fifteen Shillings and Fourpence referred to in the Schedule to this Act, or upon so much thereof as shall from Time to Time remain unpaid; but no such Interest shall accrue until the Costs of applying for, obtaining, and passing this Act are first paid:

Fourth. In paying the Expenses of maintaining and keeping in repair the Roads, not exceeding One hundred and fifty Pounds *per Annum*:

Fifth. In paying off and discharging in manner herein-after provided the Principal of the Debt, or so much thereof as for the Time being shall be due and owing on the Credit of the Tolls.

Mortgagees not to enter into Possession of Toll Houses, &c. while Interest paid.

**23.** Whenever and so long as the Interest at the Rate by this Act authorized on the Mortgage Debts specified in the Schedule to this Act annexed is duly paid within Six Months after the same becomes due, no Mortgagee of the Tolls shall enter into Possession of the Toll Gates or into the 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 if any Mortgagee of the Tolls enter into Possession or Receipt he shall pay the Interest from Time to Time due and payable upon all the Mortgages without any Preference, and may also reimburse himself his lawful Costs; and the Mortgagee so in Possession or Receipt shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on the Mortgages is payable render to the Clerk to the Trustees a full and true Account of his Receipts and Expenditure while in Possession or Receipt as aforesaid, with proper Vouchers; and if it shall appear by any such

Account

Account that the Interest due on his Mortgage up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid, then the Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up the Possession and Receipt to the Trustees or to any Person appointed by them to receive the same.

As to Mode of discharging Debt.

**24.** Whenever the Money applicable to the Discharge, as by this Act directed, of the Principal Sums owing on the Mortgage Debts amounts to One 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 Trustee 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.

Roads not exempt from General Acts.

**25.** Nothing herein contained shall be deemed to exempt the Roads from the Provisions of any General Act now in force concerning Turnpike Roads in *England*, so far as the same are not inconsistent with and are not repugnant to this Act, or 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

of Parliament, or from any Act which may hereafter be passed authorizing the Consolidation of the Roads with any other Turnpike Road or Roads.

## The SCHEDULE to which the foregoing Act refers.

| Name. | Amount. £ | s. | d. |
|---|---|---|---|
| Arkwright, Richard, Executors of | 621 | 5 | 7½ |
| Arkwright, Robert, Executors of | 69 | 0 | 7½ |
| Arkwright, Peter | 138 | 1 | 3 |
| Arkwright, Charles, Executors of | 69 | 0 | 7½ |
| Bateman, Thomas, Executors of | 69 | 0 | 7½ |
| Barker, John Henry | 69 | 0 | 7½ |
| Burlington, Earl, Executors of | 138 | 1 | 3 |
| Devonshire, Duke of | 690 | 6 | 3 |
| Denman, Lord, Executors of | 138 | 1 | 3 |
| Evans, William, Executors of | 138 | 1 | 3 |
| Elliott, John | 69 | 0 | 7½ |
| Fox, John Nelson | 69 | 0 | 7½ |
| Goodwin, Francis Green | 69 | 0 | 7½ |
| Grant, John, Executors of | 69 | 0 | 7½ |
| Hurt, Francis, Executors of | 345 | 3 | 1½ |
| Hurt, Charles, Executors of | 69 | 0 | 7½ |
| Hewes, Thomas Cheek, Executors of | 69 | 0 | 7½ |
| Maynard, John, Executors of | 69 | 0 | 7½ |
| Misland, Peter, Executors of | 69 | 0 | 7½ |
| Middleton, Incumbent | 69 | 0 | 7½ |
| Nightingale, William Edward | 69 | 0 | 7½ |
| Rutland, Duke, Executors of | 690 | 6 | 3 |
| Radford, Edward | 69 | 0 | 7½ |
| Radford, Thomas | 69 | 0 | 7½ |
| Strutt, Joseph, Executors of | 345 | 3 | 1½ |
| Slater, A B , Executors of | 69 | 0 | 7½ |
| Turnor, Edmund, Executors of | 69 | 0 | 7½ |
| Wolley, Adam, Executors of | 207 | 1 | 10½ |
| Wright and Jessopp, Messrs. | 138 | 1 | 3 |
| Wheatcroft, David, Executors of | 69 | 0 | 7½ |
| Wilson, John | 69 | 0 | 7½ |
| Wyatt, Robert Harvey, Executors of | 34 | 10 | 4 |
| | 5,004 | 15 | 4 |

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