ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lxxxi.

An Act for continuing the Term of the *Cromford and Newhaven* Turnpike Road Act, and for other Purposes. [29th *July* 1850.]

WHEREAS an Act was passed in the Forty-fourth Year of the Reign of King *George* the Third, intituled *An Act* 44 G. 3. c. 67.
for amending, widening, altering, and improving the Road leading from the Market Place in Cromford *to the* Five Lane Ends *at the Guide Post on* Hopton Moor, *and for setting out and making Two new Roads branching from the said Road, one up the Valley by* Grange Mill *to* Newhaven House, *and the other from near the said Valley to the Town of* Wirksworth, *all in the County of* Derby: And whereas an Act was passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for amending* 6 G. 4. c. 89.
and maintaining the Road from the Market Place in Cromford *to the Guide Post on* Hopton Moor, *and Two Branch Roads to* Newhaven House *and* Wirksworth, *all in the County of* Derby: And whereas the first-recited Act was repealed by the secondly-recited Act: And whereas by an Act passed in the Thirteenth Year of the Reign of Her present Majesty, intituled *An Act to continue certain* 12 & 13 Vict. c. 87.

The Cromford and Newhaven Turnpike Road Continuation Act, 1850.

Turnpike Acts in Great Britain *for limited Periods, and to make certain Provisions respecting Turnpike Roads in* England, it was enacted, that the Acts mentioned in the Schedule to that Act annexed should continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament should in the meantime continue the same respectively, and the first-recited Act was mentioned in that Schedule: And whereas divers Sums of Money have been borrowed on the Credit of the Tolls by the secondly-recited Act authorized to be taken on the Road thereby authorized to be maintained, and an aggregate Principal Sum so borrowed, amounting to Four thousand one hundred and eighty-one Pounds, with a large Arrear of Interest thereon, is now owing: And whereas it is expedient that the secondly-recited Act be continued for a further Period, and be amended; 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, That in citing the secondly-recited Act for any Purpose it shall be sufficient to use the Expression "The *Cromford and Newhaven* Turnpike Road Act, 1825," and in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Cromford and Newhaven* Turnpike Road Continuation Act, 1850."

Short Titles of secondly-recited Act and this Act.

Interpretation of Terms.

II. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings respectively hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (to wit,)

Words importing the Singular Number include the Plural Number:

Words importing the Plural Number include the Singular Number:

Words importing the Masculine Gender include Females:

The Expression "the Trustees" means the Trustees for carrying the secondly-recited Act into execution:

The Expression "the Road" means the Turnpike Road by the secondly-recited Act authorized to be maintained.

Secondly-recited Act further continued by this Act.

III. And be it enacted, That, subject to the Provisions of this Act, the secondly-recited Act, and all the Tolls, Duties, Powers, Authorities, Privileges, Provisions, and Clauses respectively granted and contained in and by that Act, shall continue and be in full Force and Effect for and during the Term of Twenty-one Years from the passing of this Act, or until the said Debt or Sum of Four thousand one hundred and eighty-one Pounds herein-after mentioned shall be fully paid off and satisfied, whichever shall first happen, and that in as full and ample a Manner and as effectually in all respects and to all

Intents

Intents and Purposes as if the same respectively were in this Act expressly repeated and re-enacted.

Existing Arrears of Interest on Debt extinguished.

IV. And be it enacted, That the Amount of Debt due and owing from the Trustees of the said Roads upon Mortgage or Bond shall be taken and estimated at the Principal Sum of Four thousand one hundred and eighty-one Pounds, and that all existing Arrears of Interest thereon shall from the passing of this Act be absolutely extinguished.

Application of Monies.

V. And be it enacted, That all the Monies which from and after the First Day of *January* One thousand eight hundred and fifty-one shall be received by the Trustees by virtue of this Act or the secondly-recited Act upon or in respect of the Roads shall be applied as follows; (that is to say,)

First.—In paying and discharging the Expenses of obtaining and passing this Act or in carrying the same into effect, or incident thereto, and the Salaries from Time to Time of the Clerk, Surveyor, and other Officers of the said Trustees:

Secondly.—As to One Sixth of such Monies, after Payment of the Expenses aforesaid, to the maintaining, improving, and keeping in repair the said Roads, according to a rateable Proportion *per* Mile of such Roads:

Thirdly.—In paying the Interest upon the said Debt or Sum of Four thousand one hundred and eighty-one Pounds, or so much thereof as shall from Time to Time be due and owing upon the Securities aforesaid, after the Rate of Three Pounds *per Centum per Annum*:

Fourthly.—As to the Residue of such Monies, to the reducing, paying off, and discharging, according to the Provisions of this Act, the said Debt or Sum of Four thousand one hundred and eighty-one Pounds, or such Part or Parts thereof as shall from Time to Time be due and owing upon the Securities aforesaid.

Repayment of Debt.

VI. And be it enacted, That when and so often as the Surplus of the said Monies applicable to paying off or redeeming of any Part of the said Debt or Sum of Four thousand one hundred and eighty-one Pounds shall amount to the Sum of Two hundred Pounds, the Trustees at their next Meeting, or other early and convenient Meeting after the First Day of *January* in each Year thereafter, shall and they are hereby required to apply such Surplus, so far as the same will go, in Payment of such Sum or Sums of Money as shall or may be agreed to be accepted by any Creditor as a Composition on and in satisfaction of his Share, according to the Stipulation after mentioned; (that is to say,) the said Trustees shall, Twenty-one Days at the least previous to the Thirty-first Day of *December* in each Year, cause

public Notice to be given in some One or more Newspaper or Newspapers circulated in the County of *Derby*, or sent by Post to each Holder of any Security for the said Debt or Sum of Four thousand one hundred and eighty-one Pounds, or any Part thereof, that a Composition will be paid to such Holder of such Securities as shall be willing to accept the smallest Composition for his Share, and requiring such Holder to transmit such Proposals in Writing, sealed up, to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Holder will accept and take for his Share (which said Proposals shall as soon after the Hour of One of the Clock in the Afternoon of the Day of the said Meeting as convenient be publicly opened by the Clerk to the Trustees at the said Meeting); and the Holder of such Securities whose Proposal shall specify the lowest Rate *per Centum* which he will accept and take for such Share shall have the Preference, and be paid such Sum of Money as he may be willing to accept for the same by the Treasurer to the said Trustees at the Expiration of One Calendar Month next after such Meeting, with all Interest due for the same; and if Two or more of the said Holders of such Securities shall deliver in Proposals at the same Meeting for accepting a Composition for any such Share at an equal Rate *per Centum*, then and in such Case it shall forthwith be determined by Lot, to be fairly drawn by the Clerk to the Trustees, to which of the said Holders of such Securities Preference shall be given in Payment of such Composition, and the Holder of such Securities having the casting Lot shall be paid his Composition at the Time and in manner herein-before mentioned; but if there shall not be any Proposals delivered in at any such Meetings by any Holder of such Securities for accepting any such Composition as aforesaid at a less Rate than a full Amount of the Principal Monies due to him, then and in such Case, but not otherwise, the said Trustees shall and may, and they are hereby required, in each and every Year in which such Proposal shall not be delivered in as aforesaid, to set apart such Part of the said Surplus as shall be requisite to be applied for and towards Payment of the Principal Monies then forming Part of the said Debt or Sum of Four thousand one hundred and eighty-one Pounds; and the said Trustees shall then cause the Numbers of the respective Securities for the same to be separately set down in Writing, and put together into a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Numbers of so many of the said Securities as shall be equal in Value or Amount to the Sum so set apart and intended to be paid off; and in One Calendar Month next after such Numbers shall be respectively drawn the Treasurer to the said Trustees shall pay to the Person or Persons who shall be entitled to the respective Securities the Numbers of which shall be drawn as aforesaid, or to the

Trustee or Guardian of such of the Persons so entitled as shall be under Age, such Sum of Money as shall be due by virtue thereof, which they are hereby required to accept and take accordingly in Payment of such Securities, or of such Part of the same as shall thereby be satisfied and paid.

For Payment of Monies for which a valid Discharge cannot be given.

VII. Provided always, and be it enacted, That in case any of the Parties who shall be entitled to any of the Securities aforesaid cannot be found or are not known, or in case a valid Discharge for any Money payable in respect of any such Securities cannot be given to the Trustees, then and in every such Case the Trustees shall and they are hereby required from Time to Time to pay all Monies payable in respect of any such Securities, with the Privity of the Accountant General of the High Court of Chancery, into the Bank of *England*, to the Account of such Accountant General, in the Matter of the "*Cromford and Newhaven* Road Trust," and the Persons to whom such Monies belong, (describing such Persons as they are described in the Register or Books of the said Trust, or otherwise, as accurately as Circumstances may admit,) in trust to attend the Orders of the said Court; and it shall be lawful for the said Court from Time to Time to make such Orders for the Payment of such Monies to the Parties entitled thereto, or otherwise as to such Court shall seem proper; and all the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for the better securing Trust Funds, and for the Relief of Trustees*, whether with respect to the Mode of applying for the Order of the said Court or otherwise howsoever, shall be applicable to all Monies paid into the said Bank pursuant to this Act; and all Monies so paid into the said Bank pursuant to the Provisions of this Act shall, as and from the Time of such Payment, and for the Purposes of this Act, be considered as paid off and discharged by the said Trustees.

10 & 11 Vict. c. 96.

Prohibiting the borrowing any further Money.

VIII. Provided always, and be it enacted, That it shall not be lawful for the said Trustees after the passing of this Act to borrow any further Sum of Money in addition to the Monies which they have already borrowed.

Lowering a certain Toll.

IX. And be it enacted, That, notwithstanding anything in the secondly-recited Act contained, it shall not be lawful, from and after the First Day of *January* One thousand eight hundred and fifty-one, for the said Trustees or for their Collectors to demand and take any greater Toll than Eight-pence for every Horse or other Beast drawing any Waggon, Cart, Wain, or other such like Carriage upon Two or more Wheels the Fellies of which are of less Breadth than Four and a Half Inches.

Provision as to Pike Hall Gate and the Road there.

X. And whereas by the first-recited Act a certain Part, being about Two Miles and One Quarter of another Mile in Length, of the Road leading from *Nottingham* to *Newhaven*, on the Eastwardly and Westwardly Sides of a Toll Gate erected thereon called *Pike Hall* Gate (and which Part is in this Act referred to as the *Pike Hall* Road), and that Toll Gate, were vested in the Trustees for executing that Act; and inasmuch as an annual Sum of Sixty Pounds was then adjudged to be a proper Compensation to the Trustees of the *Nottingham and Newhaven* Road for the Loss they would then sustain by giving up the Tolls they received at that Toll Gate, it was enacted, that the Trustees for putting the first-recited Act into execution should yearly and every Year pay to the Treasurer to the Trustees of the *Nottingham and Newhaven* Road the annual Sum of Sixty Pounds: And whereas the Trustees for executing the secondly-recited Act have continued to pay the Sum of Sixty Pounds a Year directed by the first-recited Act to be paid, and the Revenue of those Trustees is insufficient for the Payment of the Interest on the Debt secured on the Tolls granted by the secondly-recited Act, and for the Repair of the Roads comprised in that Act: And whereas since the passing of the secondly-recited Act the relative Circumstances of the Road comprised in the secondly-recited Act and the *Nottingham and Newhaven* Road as regards the Traffic on and the Revenue from the same Roads respectively have become greatly altered, and it is expedient that the Trustees for executing the secondly-recited Act and this Act respectively be declared free from the Burden of repairing the *Pike Hall* Road, and paying the Sum of Sixty Pounds a Year as directed by the first-recited Act: Be it therefore declared and enacted, That after the passing of this Act the Trustees for executing the secondly-recited Act and this Act shall not be under any Obligation to repair or maintain the *Pike Hall* Road or any Part thereof, or to pay the Sum of Sixty Pounds a Year, or any other Sum, to the Trustees of the *Nottingham and Newhaven* Road, or their Treasurer or otherwise, in respect of the *Pike Hall* Road or any Part thereof, or in respect of the *Pike Hall* Gate, or on any other account whatsoever, the recited Acts or any of them, or this Act, or anything therein respectively contained, to the contrary in anywise notwithstanding, nor shall it be lawful for the Trustees for executing the secondly-recited Act and this Act to collect or receive any Tolls on, for, or in respect of the said *Pike Hall* Road.

Act not exempt from Provisions of future general Acts.

XI. And be it enacted, That this Act or anything therein contained shall not exempt the Road from the Provisions of any general Act relating to the Consolidation or other improved Management of Turnpike Roads which may pass during the present or any future Session of Parliament.

XII. And

Expenses of Act.

XII. And be it enacted, That the Expenses of obtaining and passing this Act or incident thereto shall be paid out of the Monies whatsoever applicable to the Purposes of the secondly-recited Act and this Act, or either of them, now in or which shall hereafter come to the Hands of the Trustees, and in preference to all other Charges whatsoever.

Public Act.

XIII. And be it enacted, That this Act is a Public Act, and shall be judicially taken notice of as such.

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