ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

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Cap. xxxiv.

An Act for continuing the Term of the *Derby, Ashborne, and Hurdloe* Road Act, and for other Purposes. [5th *June* 1851.]

WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for* 9 G. 4. c. 79. *diverting, widening, repairing, and improving the Road from the Town of* Derby *to the South End of* Compton Street *next* Ashborne, *and from* Ashborne *to* Hurdloe House, *in the County of* Derby, *and that Part of the said Road called the* Old Road *leading from* Hardy's Hill *Toll Gate unto* Compton: And whereas the Trustees for executing the said Act have put the same into execution, and have for the Purposes thereof borrowed divers Sums of Money, which remain due, on the Security of the Tolls thereby granted: And whereas the Trustees are seised or possessed of a House formerly used as a Toll House, but now useless as such, and a Piece of Land adjoining thereto, in the Parish of *Saint Werburgh* in the Borough of *Derby*, and also a Toll House and Piece of Land annexed thereto, situate on the said *Old Road*, and such Houses and Pieces of Land respectively do not project into or upon the Roads whereon the same are situated respectively: And whereas it would be expedient that the said Act should be continued for a further Period, and be amended, and that the

Trustees should have Power to give up and abandon the said Road called the *Old Road* leading from *Hardy's Hill* Toll Gate to *Compton*; 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,

Short Titles of recited Act and of this Act.

I. That in citing the said recited Act it shall be sufficient to use the Expression "The *Derby*, *Ashborne*, *and Hurdloe* Turnpike Road Act, 1828;" and in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Derby*, *Ashborne*, *and Hurdloe* Turnpike Road Act, 1851."

Interpretation of Terms.

II. That in the Construction of this Act the following Words and Expressions shall have the 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 putting this Act and the recited Act into execution:

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

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

Recited Act continued, subject to Provisions of this Act.

III. That, subject to the Provisions of this Act, the said recited Act, and all the Tolls, Duties, Powers, Authorities, Privileges, Provisions, and Clauses respectively granted and contained in and by that Act, shall (except so far as the same may be hereby altered or varied) continue and be in full Force and Effect for and during the Term of Twenty-one Years from the passing of this Act, and thenceforth to the End of the then next Session of Parliament.

This Act not to revive lapsed Powers of recited Act.

IV. Provided, That nothing in this Act contained shall be construed to revive or give Effect to any Power or Provision of the said recited Act of the Ninth Year of the Reign of King *George* the Fourth which shall have lapsed or determined by the Effluxion of Time or otherwise.

Power to abandon Old Road.

V. That it shall be lawful for the Trustees, from and after the passing of this Act, to abandon and give up the Branch Line of Road called the *Old Road* leading from *Hardy's Hill* Toll Gate to *Compton*, commencing at the said *Hardy's Hill* Toll Gate and terminating at the South End of the Township of *Compton* aforesaid; and that the said Trustees shall not take or receive any Tolls upon the said Branch Road, or be liable for the Repair or Maintenance of the same.

VI. That

Power to sell Toll House, &c.

VI. That it shall be lawful for the Trustees to sell and dispose of the Toll House and Piece of Land annexed thereto situate and being on the said Branch Road called the *Old Road*, and also the House formerly used as a Toll House, but now useless as such, and the Piece or Parcel of Land adjoining thereto, situate in the Parish of *Saint Werburgh* in the Borough of *Derby*, with the Appurtenances to the same Toll Houses and Land respectively, either by Public Auction or Private Contract, for such Prices as the said Trustees can obtain for the same respectively, and to convey the said Toll Houses and Pieces of Land respectively, with the Appurtenances, to the respective Purchasers thereof, for all their Estate or Interest therein, provided that such Toll Houses and Pieces of Land respectively shall in the first instance be offered for Sale at a Valuation to the Owners of the Property immediately adjoining thereto.

Tolls.

VII. That in lieu of the Tolls or Sums of Money authorized to be taken or levied by the said recited Act of the Ninth Year of the Reign of King *George* the Fourth, from and after the First Day of *January* One thousand eight hundred and fifty-two, the Trustees may demand and take, at the several Turnpike Gates respectively which are or shall be upon or at the Sides of the Roads, such Tolls or Sums of Money as the Trustees at any of their Meetings shall from Time to Time direct, not exceeding the Tolls following; (that is to say,)

For every Horse or other Beast drawing any Coach, Landau, Barouche, Chariot, Curricle, Berlin, Phaeton, Chaise, Chaise Marine, Calache, Car, Cabriolet, Chair, Taxed Cart, Gig, Whiskey, Hearse, Litter, or other such like Carriage, the Sum of Fourpence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or more, the Sum of Threepence; and in case the Fellies of the Wheels thereof be of less Breadth than Six Inches and not more than Four Inches and a Half, the Sum of Fourpence Halfpenny; and in case the Fellies of the Wheels thereof be of less Breadth than Four and a Half Inches, the Sum of Sixpence:

For every Horse or other Beast drawing any Van, Caravan, or other such like Four-wheeled Carriage used for the Conveyance of Goods for Hire, Pay, or Reward, and built and constructed with Springs, the Sum of Sixpence:

For every Horse or other Beast drawing any Van, Caravan, or other such like Four-wheeled Carriage used for the Conveyance of Goods for Hire, Pay, or Reward, and built and constructed with Springs, the Fellies whereof shall roll upon a Surface of not less than Six Inches, and shall not deviate more than One

Quarter

Quarter of an Inch from a flat or level Surface, the Sum of Fourpence Halfpenny:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny:

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:

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

For every Dog drawing any Cart, Van, Truck, or other Carriage whatever, the Sum of One Penny:

For every Four-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved along the said Roads by Machinery, or otherwise than by Animal Power, the Sum of Five Shillings:

For every Two-wheeled Carriage not drawn by any Horse or Beast of Draught, but propelled or moved along the said Roads by Machinery, or otherwise than by Animal Power, the Sum of Two Shillings and Sixpence.

Exemption from Tolls.

VIII. That in case the Trustees shall at any of their Meetings so order and direct, but not otherwise, none of the Tolls hereby authorized to be demanded and taken shall be demanded, taken, or received at such of the Toll Gates, Turnpikes, Side Gates, Side Bars, and Chains erected and to be continued or which shall be erected upon, across, or by the Sides of the said Road as shall be specified in such Trustees Order or Direction, for any Horse, Beast, or other Cattle drawing any Waggon, Wain, Cart, or other Carriage used or employed in carrying or conveying, or going empty to fetch, carry or convey, or returning empty from carrying or conveying, (having been employed only in carrying or conveying on the same Day,) any Draining or Soughing Tiles; and if any Person shall claim and take the Benefit of any Exemption in this Act contained without being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and the Proof of the Right to such Exemption shall lie on the Person claiming the same.

Proof of Exemption on Party claiming the same.

Application of Tolls.

IX. 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 said recited Act upon or in respect of the Roads shall be applied as follows:

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 Clerks, Surveyors, and other Officers of the said Trustees;

Secondly, in paying the Interest upon the several Sums of Money which are due and owing from the said Trustees, and charged upon the Security of the said Tolls:

Thirdly, to the maintaining, improving, and keeping in repair the said Roads:

Fourthly, in paying off and discharging, according to the Provisions of this Act, the said Sums of Money, or such Parts thereof as shall from Time to Time be due and owing upon the Securities aforesaid.

Provision in recited Act as to Money spent on Branch Road repealed.

X. That so much of the said recited Act whereby it was enacted that the said Trustees should not expend more Money in any One Year on the said Road between *Ashborne* and *Hurdloe House* than should have been collected from the Tolls taken on that Branch of the said Road shall be and the same is hereby repealed.

Trustees may appoint Committees.

XI. That the Trustees of the said Roads may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the other 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 and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

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

XII. That in case any of the Parties who shall be entitled to any of the Securities upon the said Roads 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 said 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 "*Derby and Ashborne* 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

10 & 11 Vict. c. 96.

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.

No Money to be borrowed on Tolls.

XIII. That it shall not be lawful for the Trustees to borrow any Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

No Money to be taken or laid out in Towns.

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

Road not exempt from Provisions of General Acts.

XV. 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.

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