ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

****

Cap. ccvii.

An Act for repairing the Road from the Guide Post below *Haddon* out of the *Bakewell* Turnpike Road into the *Bentley and Ashbourne* Turnpike Road in the County of *Derby*; and for other Purposes. [5th *July* 1865.]

WHEREAS an Act was passed in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for maintaining and improving the Turnpike* 3 & 4 W. 4. c. lxxvi. *Road from the Guide Post below* Haddon *out of the* Bakewell *Turnpike Road into the* Bentley and Ashbourne *Turnpike Road in the County of* Derby, and such Act is in this Act referred to as "the recited Act:" And whereas the Term granted by the recited Act was Thirty-one Years, and from thence to the End of the then next Session of Parliament, and the same will therefore shortly expire, unless the same be further 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 authorized by the recited Act, and amount in the whole to Five thousand one hundred and fifty Pounds, and there is a large Arrear of Interest thereon, which on the First Day of *January* One thousand eight hundred and sixty-four was

about the Sum of Nine thousand three hundred and ninety-eight Pounds: And whereas it is expedient that the recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof for the Maintenance and Repair of the Road comprised in the recited Act, and for discharging the existing Debts in respect of that Road; 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 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.

1. This Act may be cited for all Purposes as "*Haddon and Bentley* Road Act, 1865."

Recited Act repealed.

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of this Act the recited Act of the Third Year of the Reign of His Majesty King *William* the Fourth is hereby repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.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

3. 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 "Trustees" means the Trustees for the Time being for carrying this Act into execution:

The Expression "the Road" means the Road included in this Act:

The Word "Toll Gate" means and includes all Toll Gates, Turnpikes, Bars, and Chains from Time to Time continued or set up upon, across, or by the Side of the Road, or across any Highway or other Carriageway or Bridleway communicating therewith:

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

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

4. All

Money and Property vested in Trustees.

4. All Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and all Choses in Action vested in, the respective Trustees for executing the recited Act 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 recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees for executing the recited Act were liable, except in so far as the same are reduced or extinguished by this Act.

Officers continued.

5. The Clerk, Treasurer, Surveyor, and all other Officers or Servants appointed by the Trustees for executing the recited Act shall hold and enjoy their Offices and Employments, and be termed Officers and Servants of the Trustees for executing this Act, until they shall respectively be removed by the Trustees, and shall have the like Powers and Authorities for the Purposes of this Act, and be subject to the like Rules and Regulations, as if they had been appointed under this Act.

Road to which the Act applies.

6. This Act shall be put into execution for the Term herein-after mentioned, for the Purpose of improving and keeping in repair the present Turnpike Road leading from and out of the present Turnpike Road from the Guide Post below *Haddon* in the Parish of *Bakewell* through the several Parishes, Townships, or Hamlets of *Bakewell*, *Haddon*, *Youlgreave*, *Stanton*, *Birchover*, *Elton*, *Winster*, and *Ivenbrook Grange*, by *Grange Mill*, and from thence through the several Parishes, Townships, or Hamlets of *Wirksworth*, *Brassington*, *Bradbourne*, *Kniveton*, and *Bentley*, to the Turnpike Road leading from *Bentley* to *Ashbourne*, all in the said County of *Derby*.

Trustees.

7. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Derby*, together with *Francis Greensmith*, *William Hunt*, *Thomas William Hunt*, *William Dean*, *Charles Dakeyne*, *Baldwin Dakeyne*, *William Ashmore Sheldon*, *Thomas Barker Sheldon*, *Samuel Heathcote*, *Joseph Heathcote*, *James Holmes Bradley*, *George Dale* senior, *Benjamin Buxton*, *Thomas Coates*, *Samuel Prince*, *Robert Clay*, *James Longsden*, *James Arkwright*, *Frederick Arkwright*, *James Wall*, *Joseph Fogg*, *John Kirkham*, *Joseph Kirkham*, *Gilbert Gould*, *Jonathan Blore*, *Thomas Blore*, *William Bathurst*, *Benjamin Brittlebank*, *Frank Brittlebank*, *William Condell*, *William Cantrell*, *William Webb*, *Newton Mant*, *Herbert Kestrell Cornish*, *Thomas Fentem*, *William Greaves*, *Francis Hurt*, *Philip Anthony Hurt*, Reverend *Henry Hall*, Reverend *Immanuel Halton*, *George Hodgkinson*, *Arthur Heathcote Heathcote*, *John Heathcote*, *Henry James*, *Alexander Dean James*, *Thomas Mander*, *Ambrose*

Ambrose Owen Brookes, *Henry Mac Connell*, *John Melland*, *Henry Ann Norman*, *Thomas Gregory Orr*, *Robert Orme*, *Thomas Radford*, *Vaughan Hobbs Radford*, and the Reverend *Thomas Tunstall Smith*, 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.

8. The Trustees may, at any Meeting, elect any Number of Persons duly qualified to act as Trustees of Turnpike Roads in *England*, not exceeding Three 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.

9. The Trustees shall hold their First Meeting at the *Angel Inn* in *Winster*, or at some other convenient Place near the Road, on the Third *Saturday* next after the passing 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.

Respecting Toll Gates.

10. Subject to the Provisions contained in this Act, the several Toll Gates or Toll Houses now standing or being upon the Road or on the Sides thereof shall be continued until removed by an Order of the Trustees; and the Trustees may order and cause to be set up in or across the Road or on the Sides thereof any Toll Gate and Toll House, and remove the present or any future Toll Gate, as they shall think proper: Provided always, that no Toll Gate shall be removed, erected, or set up upon or across the Road or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up, at a Special Meeting of the Trustees holden for that Purpose in conformity with and after such Notices as are required to be given by the Fifth Section of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the *Fourth*, intituled *An Act to amend the Acts for regulating Turnpike Roads.*

Present Tolls continued for a Term.

11. Notwithstanding the Repeal of the recited Act, the several Tolls now actually taken on the Road shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the Road until and inclusive of the First Day of *January* One thousand eight hundred and sixty-six.

Tolls to be taken.

12. On and after the 2nd Day of *January* 1866 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,

Road, such Tolls or Sums not exceeding the respective Tolls or Sums herein-after mentioned, as the Trustees shall from Time to Time direct; (that is to say,)

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

For every Horse or other Beast drawing any Waggon or Cart having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Fourpence Halfpenny, if such Waggon or Cart shall be drawn by more than One Horse or other Beast; but if drawn by only One Horse or other Beast, then the Sum of Threepence:

For every Horse or other Beast drawing any Waggon or Cart having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and under Six Inches, the Sum of Sixpence, if such Waggon or Cart shall be drawn by more than One Horse or other Beast; but if drawn by only One Horse or other Beast, then the Sum of Fourpence:

For every Horse or other Beast drawing any Waggon or Cart having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of Ninepence, if such Waggon or Cart shall be drawn by more than One Horse or other Beast; but if drawn by only One Horse or other Beast, then the Sum of Sixpence:

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

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

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

Which said respective Tolls shall be paid before any Carriage, Cart, Waggon, or Animal shall be permitted to pass through any Toll Gate; Provided always that no such Toll shall be demanded or taken at any Toll Gate in respect of any Horse, Beast, Carriage, Cart, and Waggon for which Toll shall have been paid at any other Toll Gate situate within the Distance of Two Miles.

As to the fractional Part of a Halfpenny in Tolls.

13. 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.

14. Every Horse, Beast, Cart, Waggon, and Carriage in respect whereof the Tolls by this Act authorized to be taken shall have been paid at any Toll Gate upon or at the Side of the Road shall, on the same Day, be permitted at any Time or Times and from Time to Time

Time during the Remainder of the same Day to repass and pass Toll-free through the Toll Gate at which such Tolls have been paid, and through all other Toll Gates, if any, 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.

15. Not more than Two full Tolls shall be taken upon the Road for the same Horses, Beasts, Cattle, and Carriages, Waggons, and Carts passing and repassing through all or any of the Toll Gates erected or to be erected across or on the Sides of the Road in any One Day, except as herein-after mentioned.

Tolls payable more than Once a Day.

16. Provided that in the following Cases the Tolls shall be payable for every Time of passing and repassing during the same day; (that is to say,)

Where the same Beast draws a different laden Carriage, Cart, or Waggon from the Carriage, Cart, or Waggon which it drew when the Toll was paid before on the same Day:

Where the Carriage, Cart, or Waggon is a Stage Coach, Omnibus, Van, Caravan, Stage Waggon, or other Stage Carriage, or Stage Cart, or is a Carriage, Cart, or Waggon carrying Passengers or Articles for Hire or Pay:

And in the following Case the Tolls shall be payable for every Time of passing and repassing during the same Day, under a new Hiring; (that is to say,)

Where the Carriage is a Postchaise, Gig, or other Carriage let out for Hire or Pay.

Horses, &c. drawing Waggons, &c. laden with Coal, &c. not to pass oftener than Twice without paying Toll a Second Time.

17. In case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse or other Beast drawing any Waggon or Cart laden with Coals, Coke, or Cinders through any Toll Gate, such Horse or other Beast shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, and also through such other Gate (if any) as the Ticket for such Payment shall free, twice only during the same Day, anything in this Act contained to the contrary thereof in anywise notwithstanding; but if such Horse or other Beast shall pass through any such Toll Gate a Third Time on the same Day, such Horse or other Beast shall again be subject and liable to the aforesaid Tolls, to be paid before the same shall be entitled to pass a Third Time as aforesaid, and so *toties quoties* for every Third Time of passing.

Exemption from Toll.

18. No Toll shall be demanded or taken by virtue of this Act for the passing of any Horse, Cattle, or Carriage which shall be going unladen or empty for, or that shall be used only in carrying or conveying,

veying, or returning unladen or empty, after having been used only in carrying or conveying Water from an ancient Spring called *Shot-house Spring*, and if any Person shall claim and take the benefit of the Exemption aforesaid, not being entitled to the same, every such Person shall forfeit and pay the Sum of Five Pounds for every such Offence.

19. All Arrears of Interest due on the Commencement of this Act on the Principal Sums specified in the Schedule to this Act shall be and they are hereby extinguished, and the said Principal Sums shall, on and from the Commencement of this Act, bear Interest at the Rate only in this Act mentioned.

Arrears of Interest extinguished.

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 their Hands from the Tolls by this Act authorized, shall be applied as follows; (that is to say,)

First, in paying the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing this Act:

Secondly, in paying the Salaries of Officers, and in defraying the necessary Expenses of repairing, altering, and lighting Toll Gates, and the necessary Expenses of Management of the Trust; but those Expenses together shall not exceed Forty Pounds a Year, exclusive of the Salaries of Toll Collectors, and Expenses of removing and erecting Toll Gates, and Expenses with respect to Actions at Law, Indictments, or Proceedings before Magistrates:

Thirdly, in paying Interest at the Rate of One Pound *per Centum per Annum* upon the several Principal Sums specified in the Schedule to this Act annexed, or upon so much thereof as is from Time to Time owing in respect of Monies borrowed on the Credit of the Tolls; but no such Interest shall accrue until the Costs of applying for, obtaining, and passing this Act are first paid:

Fourthly, in or towards paying the Expenses of maintaining and keeping in repair the Road within the several Townships through which the Road passes, except as herein-after mentioned, and the Amount to be applied in any One Year shall be Seventy-five Pounds *per Annum*, and shall be exclusive of any Sums received from or expended by such Townships respectively in or as Contributions towards the Repairs of the Road:

Fifthly, in paying off the Principal Sums specified in the Schedule to this Act annexed, in manner herein-after provided:

Sixthly, in paying the further Expenses of maintaining, repairing, and improving the Road.

21. The

Part of 75*l.* to be paid to certain Townships.

21. The Trustees shall annually, on the First Day of *January* in every Year, or within Fourteen Days thereafter, pay to the respective Surveyors of the Townships of *Elton*, *Winster*, *Birchover*, *Stanton*, and *Harthill*, or to such of them as shall repair the Part of the Road in their respective Townships, so much of the said Sum of Seventy-five Pounds as shall bear the same Proportion to the entire Sum of Seventy-five Pounds as the Length of the Road in their respective Township bears to the entire Length of the Road, exclusive of the Part thereof in the Township of *Over Haddon*: Provided always, that the Surveyors of the said Townships receiving such Payment from the Trustees shall efficiently repair and maintain the Road in their respective Townships under the Superintendence and to the Satisfaction of the Surveyor of the Trustees, and the Trustees may discontinue the Payment to any of the said Townships in which the Road is not efficiently repaired and maintained; and if any Dispute shall arise between the Trustees and any of the said Surveyors with respect to the efficient Repair and Maintenance of the Road in the said Townships respectively, such Dispute shall be settled by Two Justices of the Peace for the County of *Derby*.

As to repair of Road in Over Haddon.

22. So long as the Part of the Road in the Township of *Over Haddon* shall be wholly maintained and kept in repair by the Surveyors of that Township, or by any of the Owners of Property therein, the Trustees shall not erect any Toll Gate or take any Tolls on the Part of the Road which is within such Township, or lay out any Money in the repair of such Part.

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

23. The Provisions of "The Locomotive Act, 1861," with reference to Tolls and otherwise shall apply to this Act.

Mortgagees to take Possession for Payment of Interest only.

24. Whenever and so long as the Interest at the Rate by this Act authorized on the Mortgage Debt 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, and 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 the Possession or Receipt, he shall pay the Interest from Time to Time due and payable on all the Mortgages of the Tolls without any Preference, and may reimburse himself his lawful Costs, and the Mortgagee so in Possession or Receipt shall within Twenty-one Days after every Thirty-first Day of *December* render to the Clerk to the Trustees a full and true Account of his Receipts and Expenditure

while in Possession or Receipt, with proper Vouchers; and if it appear by any such Account that the Interest due on his Mortgage up to the then last Thirty-first Day of *December* and all such Costs are fully paid, then the Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) in his Hands, and deliver up the Possession and Receipt to the Trustees, or to any Person appointed by them to receive the same.

Mode of discharging Debt.

25. Whenever the Money applicable to the Discharge 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 relate to the Application of the Money, by Letter sent by Post to every Mortgagee, directed to his then usual or last known Place of Abode, and at the Meeting of the Trustees shall apply the Money, or, as the Case requires, a Portion thereof, in or towards the Discharge of the Mortgage Debt owing to the Mortgagee who by Writing transmitted to the Clerk to 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, as the Case requires, a Portion thereof, 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 where there is any Surplus of the Money so applicable after applying the same so far as is necessary in or towards the Discharge of the Mortgage Debts to which the Offers relate, the Trustees shall apply the Money applicable, or, as the Case may be, the Surplus thereof, rateably among the Mortgagees, or, if the Trustees think fit, shall pay the same to such of them as the Trustees determine by Lot, and the Mortgagees respectively shall receive the same accordingly.

Road not exempt from General Acts.

26. Nothing herein contained shall be deemed to 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.

Commencement and Term of Act.

27. This Act shall commence on the Third *Saturday* next after the passing thereof, and shall continue in force for the Term of Fifteen 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.

No.	Names of Creditors.	Amount of Principal. £	s.	d.
1	Arkwright, Robert - - - -	100	–	–
2	Athorpe, John Carver - - -	100	–	–
3	Bradley, Joseph's Executors - - -	100	–	–
4	Brittlebank, Andrew's, Executors - -	1,150	–	–
5	Buckstone, Reverend German - - -	100	–	–
6	Dale, Robert's, Representatives - -	50	–	–
7	Duke of Devonshire - - - -	500	–	–
8	Duke of Rutland - - - -	900	–	–
9	Gell, Philip's, Executors - - -	500	–	–
10	Hurt, Charles's, Executors - - -	100	–	–
11	Scarsdale, Lord - - - -	250	–	–
12	Strutt, George H. - - - -	500	–	–
13	Thornhill, William Pole - - -	500	–	–
14	Worsley, Charles's, Executors - - -	200	–	–
15	Wright, John - - - - -	100	–	–
	£	5,150	–	–

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.