ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. lxxi.

An Act to repeal the Act relating to the *Nottingham and Loughborough* Turnpike Road, and to make other Provisions in lieu thereof.

[15th *June* 1855.]

WHEREAS an Act was passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing the Road from the* Trent Bridge *in the County of the Town of* Nottingham *to* Cote's Bridge *in the County of* Leicester: And whereas the Powers granted by the said Act, and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-five, unless the same be in the meantime further continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, and cannot be paid off unless further Powers are granted: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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

5 G.4. c.xlvi.

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,)

Recited Act repealed.

I. That upon the First Day of *November* next after the passing of this Act the said recited Act of the Fifth Year of the Reign of King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Nottingham and Loughborough* Road Act, 1855."

Interpretation Clause.

III. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall be understood to include "Corporation:"

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

The Expression "the Road" or "the said Road" shall mean the Road to which this Act specially applies:

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

Monies and Property to vest in the new Trustees.

IV. That all Rents, Arrears of Tolls, and other Monies due to, and all Property and all Choses in Action vested in, the Trustees under the said 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 the same and act in respect thereof as effectually as if the same had been vested in them under the said recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable at the Repeal thereof, except such as are hereby reduced, varied, or extinguished.

Appointment of Trustees.

V. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the respective Counties of *Nottingham* and *Leicester*, together with *Richard Newton Adams* Clerk, *Thomas Bishop*, *John Tidy Beetham* Clerk, *Henry Bell* Clerk, *Joseph Braithwaith*, *William Stanford Burnside*, *William Boden*, *John Burnside*, *John Burnside* Clerk, Sir *Arthur Clifton*, Sir *Robert Jewkes Clifton* Baronet, *Hugh Bruce Campbell*, *John Cartwright*, *Thomas Parkyns Dodson* Clerk, *William Enfield*, *Richard Enfield*, *Francis*

Francis Butcher Gill, *George Alexander Forteath*, *Smith Fowler*, *Thomas Hopkins*, *William Hannay*, *Edward Hurst*, *William Hurst*, *William Musters* Clerk, *John Musters*, *Edward Middleton*, *William Fletcher Norton Norton*, *Charles Paget*, Sir *Thomas George Augustus Parkyns* Baronet, *Henry Payne*, *Edmund Percy*, *Charles James Packe*, *Robert Sutton*, *Edward Steegmann*, *Henry Smith*, Right Honourable *Edward Strutt*, *John Swann*, *Frederick Smith*, *William Sanday*, *John Whyatt*, *Edward Wilson* Clerk, *Samuel Bagnal Wild*, *Thomas Wildman*, *Ichabod Charles Wright*, *John Calthrop Williams*, *John Watson*, *Samuel Watson*, *Edward Warner*, *Henry Warner*, 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.

VI. That it shall be lawful for the Trustees from Time to Time, at any Meeting under this Act, to 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 the Purposes of this Act, in addition to the Trustees hereby nominated; and such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Meetings of Trustees.

VII. That the Trustees shall hold their First Meeting at the *Ram* Hotel, *Nottingham*, or at some other convenient Place in the Town of *Nottingham*, at Noon on the First *Wednesday* next after the Commencement of this Act, or as soon thereafter as conveniently may be, and shall then and from Time to Time thereafter adjourn to and meet at such Time, and at such Places in the Neighbourhood of the said Road, as they shall think proper.

Roads to which this Act is applicable.

VIII. That this Act shall be put in execution for the Purpose of managing and maintaining the present Turnpike Road leading from the South End of the *Trent Bridge* in the Town and County of the Town of *Nottingham* to *Cote's Bridge* in the County of *Leicester*, which said Road passes through or into the several Parishes and Townships or Places of *West Bridgford*, *Wilford*, *Ruddington*, *Bradmore*, *Bunny*, *Costock* otherwise *Cortlingstock*, and *Rempstone* in the County of *Nottingham*, and *Hoton*, *Prestwould*, and *Cotes* in the County of *Leicester*.

Present Tolls continued for a Term.

IX. That, notwithstanding the Repeal of the said recited Act, the several Tolls thereby granted, and which may be payable at the Time of such Repeal, shall continue to be paid at the Toll Gates to be continued or erected on or on the Sides of the Road, until the Third *Wednesday* next after the Commencement of this Act.

X. That

Power to take new Tolls.

X. That upon and after the Third *Wednesday* next after the Commencement of this Act it shall be lawful for the Trustees to demand and take, at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Road, such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

For every Horse, Mule, or other Beast drawing any Coach, Chariot, Landau, Landaulet, Barouche, Chaise, Phaeton, Vis-à-vis, Calash, Curricle, Car, Chair, Gig, Hearse, Caravan, Litter, Taxed Cart, Waggon, Wain, Cart, or other Carriage, the Sum of Fourpence:

For every Horse, Mule, or other Beast of Draught or Burden, laden or unladen, and not drawing, the Sum of One Penny:

For every Goat drawing any Truck, Sledge, Cart, Barrow, or other such Carriage, 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, Hogs, Swine, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for any greater or less Number:

For every Carriage, of whatever Kind, propelled or drawn by Steam or any Power other than Animal Power, if with more than Two Wheels, then for each Wheel thereof the Sum of One Shilling:

Which said Tolls shall be taken before any Horse, Mule, Ass, or Goat drawing, Beast or other Cattle, or Carriage whatsoever, shall be permitted to pass through any Toll Gate which shall be by virtue of this Act upon or across the said Road or on the Sides thereof.

A Halfpenny to be taken instead of Fractions.

XI. That 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 Number of Tolls to be payable on the Road.

XII. That no more than Two full Tolls shall be demanded or taken (except as herein-after mentioned) for passing and repassing at any Time or Times in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock on the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal, Carriage, or Thing liable to Toll, through all or any of the Toll Gates along the whole Line of the said Road.

Persons having paid Tolls to return free.

XIII. That all Horses and Cattle (except as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on any Part of the Road

Road or on the Sides thereof shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate, and in going and returning through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free for the same Day.

Postchaises, &c. to pay on fresh Hiring.

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

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

XV. For and in respect of all Horses and Cattle drawing any Stage Coach, Van, Caravan, Omnibus, Waggon, Cart, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing or repassing along the said Road or any Part thereof.

Regulation as to Stage Coaches.

XVI. That all Horses and Cattle drawing any Stage Coach, 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 or additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any such other 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.

Horses, &c. drawing different Waggons, &c. to pay each Time of passing.

XVII. That the Tolls by this Act authorized to be taken shall be paid in respect of Horses or other Beasts of Draught drawing any Waggon, Wain, Dray, Cart, or such like Carriage, for every Time during the same Day that any such Horse or other Beast of Draught shall pass through any Turnpike upon the Road drawing any other laden Waggon, Wain, Dray, Cart, or such like Carriage than that which such Horse or other Beast of Draught was employed in drawing at any former Time during the same Day, and in respect of which Toll shall have been paid.

As to Amount of Principal Debt.

XVIII. And whereas the Debt charged upon the Tolls arising under the recited Act now amounts to the Sum of Eleven thousand six hundred Pounds: Be it enacted, That the said Sum of Eleven thousand

thousand six hundred Pounds, and no more, shall be and be deemed to be the whole Principal Sum due on the Credit of the Tolls arising on the Road.

Application of Monies.

XIX. That all Monies 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 incident thereto:

Secondly, in defraying the necessary Expenses of Management of the Road, including Salaries of Officers, altering and repairing Toll Gates and Toll Houses, and legal Expenses, but exclusive of Salaries of Toll Collectors, and prosecuting and defending Actions at Law or Suits in Equity, not exceeding in any One Year the Sum of Sixty Pounds:

Thirdly, in erecting and setting up another Toll House, Toll Gate, and its Appurtenances, not exceeding in the whole the Sum of Sixty Pounds:

Fourthly, in paying Interest on the said Debt of Eleven thousand six hundred Pounds at the Rate of Three Pounds and Five Shillings *per Centum per Annum*, or on so much thereof as shall for the Time being be due and owing:

Fifthly, in paying the Expenses of maintaining, repairing, and improving the said Road, not exceeding in any One Year the Sum of One hundred and eighty Pounds:

Sixthly, in reducing, paying off, and discharging, in the Manner herein-after provided, the said Sum of Eleven thousand six hundred Pounds, or such Part thereof as shall for the Time being be due and owing:

Lastly, in paying any other Expenses of maintaining, repairing, and improving the said Road.

Mortgagees to take possession for Payment of Interest only.

XX. That whenever and so long as the Interest upon all existing Mortgages and Charges upon the Tolls of the said Road shall be duly paid at the Rate by this Act authorized within Three Calendar Months next after the same shall become due, no Holder of any Mortgage or Security shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the said Road or the Sides thereof, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any Letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest, and Sums in reduction of Principal, from Time to Time becoming due, at the Rates and according to the Priorities by this Act authorized, upon all the then existing Mortgages and Securities, and may also reimburse himself any Costs to which he may be entitled;

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 to the said 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 and Sums in reduction of Principal due at the Rate by this Act authorized 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 said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls and of any such Rent as aforesaid, to the said 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.

XXI. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being due on the Credit of the said Tolls shall amount to the Sum of One hundred Pounds, the Trustees shall, at any General Annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to the Persons entitled thereto, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting and of the Objects or Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the Counties of *Nottingham* and *Leicester*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County; and at such Meeting the Trustees shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing in respect of the said Debts or Sums to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditor as aforesaid shall apply the Surplus (if any) of such Sums, or a Portion thereof, (as the Case may require,) in or towards the Payment of the other Monies owing on the Security of the said Tolls to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors by such Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine

by

by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as the Trustees shall think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, the Trustees may apply the Sum applicable to such Payments or the Surplus thereof, (as the Case may be,) rateably amongst the Creditors on the said Tolls, according to the Priorities established by this Act, or may pay the same to such of them as may be determined by Lot, as the Trustees shall think fit.

No Interest to accrue until Expenses of Act are paid.

XXII. Provided always, That no Interest shall accrue due in respect of the said Principal Sum of Eleven thousand six hundred Pounds or any Part thereof until the Trustees shall have received Sums sufficient to discharge and shall have paid the Expenses of obtaining and passing this Act or incident thereto.

No more Money to be borrowed.

XXIII. That no more Money shall be borrowed by the Trustees on the Credit of the Tolls arising on the said Road.

No Money to be taken or laid out in Towns.

XXIV. That no Money shall be laid out by the Trustees 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 by them.

Road not exempt from future General Acts.

XXV. That nothing herein contained shall be deemed to exempt the said Road from the Provisions 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 Parliament.

Commencement and Term of Act.

XXVI. That this Act shall commence on the First Day of *November* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

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