



ANNO DECIMO

# GEORGIIV. REGIS.

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*Cap. lxxv.*

An Act for more effectually repairing the Roads from *Alfreton* to *Higham* and *Tibshelf* in the County of *Derby*. [14th May 1829.]

**W**HEREAS an Act was passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making, repairing, and widening the Road from Heage in the County of Derby, through Alfreton, to Tibshelf in the same County, and also a Branch from the same Road, at or near Shirland Lodge, to Higham in the same County*: And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of an Act of the Twenty-sixth Year of His said Majesty, for repairing and widening the Road from Heage in the County of Derby, through Alfreton, to Tibshelf, and a Branch from the same Road, at or near Shirland Lodge, to Higham in the same County*: And whereas the Trustees acting under the said recited Acts have not made, altered, repaired, or otherwise interfered with such Part of the said Road as lies between *Heage* and *Alfreton* aforesaid, and they are therefore desirous of relinquishing and giving up all Powers and Authorities contained in the same Acts relating thereto: And whereas the Trustees acting under the said recited Acts have duly made, altered, repaired, and widened the Roads from *Alfreton* to *Higham* and *Tibshelf* aforesaid, and borrowed considerable Sums of Money on the Credit of the Tolls by the said recited Acts granted

[*Local.*]

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or

Recited  
Acts re-  
pealed.

or authorized to be collected thereon; which Money, or the greater Part thereof, still remains due, and cannot be repaid, nor the said last-mentioned Roads kept and maintained in sufficient Repair, unless the Term and Powers of the said Acts be repealed; and further and more effectual Powers granted in lieu thereof for repairing, improving, and maintaining the said last-mentioned Roads: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 the said Two recited Acts, and all and every the Clauses, Powers, Authorities, Trusts, Provisions, Penalties, Forfeitures, Remedies, Matters, and Things whatsoever therein contained, shall from and after the Third *Wednesday* after the passing of this Act be and the same are hereby repealed.

Commence-  
ment of this  
Act.

II. And be it further enacted, That this Act shall from the said Third *Wednesday* after the passing of this Act commence and take effect, and be put in execution for and during the Term hereinafter mentioned, for the Purpose of repairing, maintaining, widening, diverting, improving, and keeping in repair the said Roads from *Alfreton* to *Higham* and *Tibshelf* in the County of *Derby*.

Trustees ap-  
pointed.

III. And be it further enacted, That all His Majesty's Justices of the Peace acting for the County of *Derby*, together with *Peter Arkwright*, *Frederick Arkwright*, *Charles Arkwright*, *William Cavendish*, *John Balguy* the younger, *Bryan Thomas Balguy*, *Thomas Marlow*, *Berwick Clerk*, *Thomas Bilbie*, *Thomas Francis Philip Hutchinson Barber*, *Thomas Barber*, *John Barber*, *George Bansall*, *George Bansall* the younger, *Obadiah Boot*, *John Blackwall*, *John Bourne* the younger, *John Byron*, *Gabriel Brittain*, *D'Ewes Coke*, *John Coke*, *Francis Lillyman D'Ewes Coke*, *William Coke*, *Edward Coke*, *Benjamin Chambers*, *John Chambers*, *Benjamin Chambers* the younger, *John Clay* of *Northwingfield*, *John Clay* of *Shirland*, *William Clay*, *George Coates*, *Eli Coates*, *George Goodwin*, *Francis Hurt* the younger, *Immanuel Halton Clerk*, *John Cressy Hall*, *Gervase Cressy Hall*, *Frederick James Hall*, *William Hunter Hunter*, *Charles Vicars Hunter*, *Henry Trotheringham Hunter*, *Charles William Hunter*, *Christopher Francis Holmes*, *John Holmes*, *William Brooks Johnson*, *Francis Jessopp*, *John Jessop*, *William Jessop*, *Henry Jessop*, *William Jeffery Lockett*, *William Lockett*, *William Palmer Morewood*, *William Milnes*, *Edward Miller Mundy* the younger, *William Oakes*, *James Oakes*, *Thomas Oldham*, *Thomas Oldham* the younger, *John Oldham*, *Charles Palmer Clerk*, *Thomas Pearson*, *Thomas Radford*, *Samuel Richardson Radford*, *Samuel Roberts*, *James Christopher Royston*, *William Siddall Degge Sitwell*, *John Robert Sharpe*, *Francis Sharpe Clerk*, *Benjamin Smith*, *John Smith Clerk*, *Griffin Spencer*, *James Swettenham*, *Jedediah Strutt*, *Anthony Strutt*, *John Strutt*, *William Turbutt*, *Richard Burrow Turbutt Clerk*, *John Topham*, *Theodore Silverwood*, *Sir John Eardley Eardley Wilmot* Baronet, *Eardley Eardley Wilmot*, *John Wood Clerk*, *Robert Wood*, *George Walker*, *Hugh Wood Clerk*, *John Slater Wilkinson*, *Joseph Wilson*, *William Wilson*, *George Wilson*, *James Wheeler*, *James Woolley*, *Francis Wright*, and *Marcus Wright*, being duly qualified  
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in manner directed according to the Directions of any Law or Laws in force relating to Turnpike Roads in *England*, shall be and they and their Successors are hereby appointed Trustees for causing the said Roads to be properly widened, amended, repaired, and improved, and otherwise putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at a Meeting to be held for that Purpose, of which Meeting and of the Purpose thereof Fourteen Days Notice thereof shall be given as is directed by an Act of the Third Year of the Reign of His present Majesty, relating to Turnpike Roads, respecting the Appointment of new Trustees on Vacancies, to elect, nominate, and appoint any Number of fit Persons (not exceeding Three in the whole) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed, being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act as if they had been nominated and appointed in and by this Act.

Power to appoint additional Trustees.

V. And be it further enacted, That the said Trustees shall meet at some Place in the Town of *Alfreton* aforesaid within Fourteen Days after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to put this Act into execution.

First Meeting of Trustees.

VI. And be it further enacted, That the respective Tolls following may be demanded and taken at each and every Turnpike, Toll Gate, and Side Gate which is now or which shall hereafter be set up or continued upon, across, or by the Sides of the Roads by this Act directed to be maintained and kept in repair, by each and every Person who shall be authorized or continued by the said Trustees to receive the same, before any Horse, Mule, Ass, Beast, or other Cattle shall be permitted to pass through any such Turnpike, Toll Gate, or Side Gate; (that is to say,)

Tolls.

For every Horse or other Beast of Draught drawing any Coach, Berlin, Landau, Sociable, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Whiskey, or Chair, or other such like Carriage, the Sum of Four-pence Halfpenny :

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Four-pence Halfpenny :

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Six Inches, and not less than Four and a Half Inches, the Sum of Sixpence :

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of a less Breadth than Four and a Half Inches, and not less than Three Inches, the Sum of Seven-pence Halfpenny :

For

For every Horse or other Beast of Draught drawing any Waggon, Wain, Dray, Cart, or other such like Carriage, having the Soles or Bottoms of the Fellies of the Wheels thereof of a less Breadth than Three Inches, the Sum of Nine-pence :

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

For every Score of Oxen, Cows, or other Neat Cattle, the Sum of One Shilling and Three-pence ; and so in proportion for any greater or less Number :

For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny ; and so in Proportion for any greater or less Number.

Tolls to be paid only once for passing and repassing.

VII. And be it further enacted, That in case Toll shall have been paid for or in respect of any Carriage, Horse, Mule, Ass, Beast, or Cattle passing through any of the Turnpikes, Toll Gates, or Side Gates now erected or hereafter to be erected or continued by virtue of this Act, no Toll shall be demanded or taken for or in respect of such Carriage, Horse, Mule, Ass, Beast, or Cattle, for returning, passing, or repassing once through the same Turnpike, Toll Gate, or Side Gate, the same Day, before Twelve of the Clock at Night (except in the Case hereinafter mentioned).

Horses drawing different Carriages to pay each Time of passing.

VIII. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpikes, Toll Gates, or Side Gates, drawing any other or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass Toll-free through the same Turnpikes, Toll Gates, or Side Gates the same Day ; any thing herein contained to the contrary thereof in anywise notwithstanding.

Stage Coaches and all Horses travelling for Hire, &c. to pay each Time of passing.

IX. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts of Draught drawing any Stage Coach or Stage Waggon, Van, Caravan, Cart, or other Stage Carriage, drawn by One or more Horse or Horses, carrying Passengers or Goods for Payment, Hire, or Reward, and which shall return on the same Day through the same Turnpike, Toll Gate, or Side Gate, for every Time of passing and repassing along the said Roads, in like Manner as if no Toll had been before paid thereat.

Post Chaises to pay on every fresh Hiring.

X. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing or repassing along the said Road, whenever any fresh Hiring thereof shall take place.

No Money to be laid out in the Repair of Streets.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to lay out or expend any Money received by or vested in them by virtue of this Act in the Repair or Improvement

ment of any of the Streets or Pavements of any of the Towns through or into which these Roads pass.

XII. And be it further enacted, That all Waggon, Carts, and other Carriages having the Wheels cylindrical and of not less Breadth than Four and a Half Inches on the Soles thereof, and with the Axletrees fixed as mentioned and described in and by an Act passed in the Third Year of the Reign of His present Majesty for regulating Turnpike Roads in *England*, shall be allowed an Abatement of One Third Part of the Tolls by this Act granted.

Abatement  
of Tolls for  
cylindrical  
Wheels.

XIII. Provided always, and be it further enacted, That all Waggon, Carts, or other such Carriages having at the Time of the using thereof Wheels which shall deviate more than One Quarter of an Inch from a flat Surface, or shall not have the Nails thereof countersunk, so as to form a level Surface, shall be deemed liable and subject to the Payment of the same Toll as Carriages with Wheels of less than Three Inches in Breadth on the Soles thereof.

Wheels de-  
viating from  
a flat Sur-  
face.

XIV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Acts hereby repealed, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, and not otherwise appropriated or directed to be applied, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relative thereto respectively, with lawful Interest for the same from the Time the same shall be incurred; secondly, in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls and Duties heretofore payable on the said Roads, and of any Mortgages or Securities which shall hereafter be made payable on the said Roads; thirdly, in defraying the Expences of altering, widening, improving, repairing, diverting, and keeping in repair the said Roads, and of erecting, maintaining, providing, altering, and repairing Bridges, Weigh Bridges, Turnpikes, Toll Gates, Toll Bars, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of the same Roads, and otherwise in executing the other Purposes of this Act; and, lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured on the Credit of the Tolls arising on the said Roads, and also the several Principal Sums of Money which may hereafter be borrowed and secured by virtue of this Act, and all other Debts and Sums of Money now owing, and which may hereafter become due and owing, by or on account of the said Roads.

Application  
of Tolls and  
Money bor-  
rowed.

[*Local.*]

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XV. And

1602

10° GEORGII IV. *Cap. lxy.*

Public Act.

XV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Continuance  
of Act.

XVI. And be it further enacted, That this Act shall continue for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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