



ANNO SEXTO

# GEORGIIV. REGIS.

\*\*\*\*\*

## Cap. ci.

An Act for more effectually repairing the Road from *Greenhill Moor* to *Hernstone Lane Head Road*, near *Stony Middleton*, and other Roads therein mentioned, in the County of *Derby*, and in the West Riding of the County of *York*; and for making an Extension and Branch of Road therefrom. [20th May 1825.]

**W**HEREAS an Act was passed in the Twenty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing, widening, and altering the Road from the present Turnpike Road upon Greenhill Moor near Norton, in the County of Derby, to Hathersage in the said County, through the several Parishes of Norton, Dronfield, and Hathersage, in the said County of Derby; and also the Road from the Road leading from Chesterfield to Hernstone Lane Head, near Stony Middleton, to Totley, through the several Parishes of Bakewell, Hope, Hathersage, and Dronfield, all in the said County of Derby*: And whereas an Act was passed in the Forty-third 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 passed in the Twenty-first Year of the Reign of His said late Majesty, for repairing the Roads from the present Turnpike Road upon Greenhill Moor to Hathersage, and from the Chesterfield Turnpike Road, near Stony Middleton, to Totley, all in the County of Derby; and also for making Two new Branches from the said Roads to Baslow in the said County, and to Goose Green near*

[Local.]

27 Q

Sheffield



Sheffield in the County of York: And whereas in and by the said last-recited Act it was enacted, that from and after the said Two new Branches of Road or either of them should be made, there should be yearly and every Year paid out of the Tolls to be collected and received under the Authority of that Act, to the Treasurer of the Trustees for executing an Act passed in the Thirty-fifth Year of the Reign of His late Majesty, intituled *An Act for continuing the Term and repealing the Powers of Two Acts, passed in the Thirty-first Year of the Reign of His late Majesty King George the Second, and the Nineteenth Year of the Reign of His late Majesty King George the Third, for repairing and widening the Roads from Little Sheffield in the County of York, through the Towns of Hathersage, Hope, and Castleton, to Sparrowpit Gate, in the County of Derby; and from the Guide Post near Barber's Field Cupola, through Grindleford Bridge, Great Hucklow, Tideswell, Hardgate-wall, and Fairfield, to a House known by the Sign of The Angel, in Buxton, in the County of Derby; and for granting further and other Powers for that Purpose; or to such other Person or Persons as they should authorize to receive the same, the clear Sum of One hundred Pounds, the same to be paid at and computed from the Days and Times, and recoverable by the Means therein and thereby respectively mentioned and directed: And whereas an Act was passed in the Fifty-first Year of the Reign of His late Majesty,*

35G.3.c.164. intituled *An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Roads from Little Sheffield, in the County of York, to Sparrowpit Gate, and several other Places in the County of Derby; and for amending and making certain other Roads to communicate therewith: And whereas by the said last-recited Act it was recited, that the Trustees therein named would (in making one of the Improvements therein mentioned) come upon, and also across and by the Side of Part of the Roads under the Care of the Trustees for executing the said recited Acts of the Twenty-first and Forty-third Years of the Reign of His late Majesty, at or near a certain Place called Booth's Gate, to the Town of Hathersage; it was therefore enacted, that the Trustees for executing the said recited Act of the Fifty-first Year of the Reign of His said late Majesty should, during the Term thereof, at their own Expence, Costs, and Charges, well and effectually make and also repair and amend the Whole of the said Road which was then made, or should thereafter be made, between the Junction of the said Roads at or near Booth's Gate aforesaid, and Hathersage aforesaid, and should on no Account or Pretence whatsoever take any Tolls or set up or erect any Toll Gate or Chain upon or by the Side of any Part of the said Road between the said Junction and Hathersage: And whereas it has been agreed between the Trustees for executing the said recited Acts of the Twenty-first and Forty-third Years aforesaid, and the Trustees for executing the said Acts of the Thirty-fifth and Fifty-first Years aforesaid, that so much of the said Turnpike Road heretofore under the Care and Management of the Trustees for executing the said recited Acts of the Twenty-first and Forty-third Years aforesaid, as lies between Foxhouse in the said County of Derby and Hathersage aforesaid, (and which includes the Piece or Parcel of Road described in the last-mentioned Act as lying between the Junction of the said Roads, at or near Booth's Gate aforesaid, and Hathersage), shall be absolutely surrendered and given up by the Trustees for executing the said recited Acts of the Twenty-first and Forty-third Years aforesaid to the Trustees of the said recited Acts of the Thirty-fifth and Fifty-first Years*



Years aforesaid, free from all Restraint whatsoever, on condition of the said Trustees for executing the said last-mentioned Acts: giving up all further Claim to the said Annuity of One hundred Pounds *per Annum*, directed to be paid by the said recited Act of the Forty-third Year of the Reign of His said late Majesty: And whereas the Trustees for executing an Act passed in the Fifty-second Year of the Reign of His late Majesty, intituled *An Act for enlarging the Term and Powers of an Act of King George the Second, and Two Acts of His said late Majesty, for repairing the Road from Chesterfield to Hernstone Lane Head, with its Branches, and for amending and making a certain other Road to communicate therewith, all in the County of Derby*, have it in contemplation to make a Diversion of their said Road from the Guide Post near *Cock Hill* in *Baslow* aforesaid, to a certain Bridge called *Millstone Bridge*, and in effecting their said Diversion will use so much of the said Road from *Baslow* to *Goose Green* aforesaid as lies between the said Guide Post and a Messuage and Garden in the Occupation of *Margaret Gardom*, or some Part thereof, being a Distance of upwards of Six hundred Yards, whereby Travellers to and from the said *Hernstone Lane Head* Road may be charged by the Trustees for executing this Act with Tolls for passing over the same: And whereas it would be for the Advantage and Convenience of the Public; if no Tolls were to be demanded or taken by the said Trustees for executing this Act upon the said Part of the said Road; and they have therefore consented to be restricted by this Act from taking Tolls thereupon during the Term and subject to the Conditions herein-after mentioned: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George the Fourth*, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty, intituled *An Act to enable Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the Trustees for executing the said Acts of the Twenty-first and Forty-third Years aforesaid have made great Progress in repairing the Roads, and have completed the Branches thereby directed to be made, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby respectively granted; which Money still remains owing to the present Mortgagees of the said Tolls, and cannot be paid off, nor can the said Roads and Branches be effectually amended, widened, altered, improved, and kept in repair, unless the Term granted by the said secondly-recited Act be further continued: And whereas it is expedient to make an Extension of the said first-mentioned Road from the East End thereof (upon *Greenhill Moor* aforesaid) to and through the Village of *Norton* in the said County of *Derby*, to the Boundary Stone which divides the Counties of *Derby* and *York* at or near *Gleadless* in the said County of *Derby*: And whereas it is also expedient to make a Branch from the said Road, between *Tolley* and *Goose Green*, opposite to *Ecclesall Lane End* in the said County of *York*, (through *Beauchief* in the said County of *Derby*), to the *Chesterfield* and *Sheffield* Turnpike Road near *Norton Woodseats*, in the Parish

52 G. 3. c. 31.

3 G. 4. c. 126.

4 G. 4. c. 95.

5 G. 4. c. 69.



Parish of *Norton* aforesaid: And whereas a sufficient Sum of Money is subscribed to make both the said Extension and new Branch; and upon the Treaty between the said old Mortgagees and the said new Subscribers, for extending the Powers of this Act to the said Extension and new Branch, it was agreed, that until the said Extension and new Branch should be made and completed for the Passage of Horses, Cattle, Carts, and Carriages on the same, the Tolls authorized by this Act to be taken shall be collected and received by and on the sole Account of the several Persons who have advanced Money on the Credit of the said Acts of the Twenty-first and Forty-third Years aforesaid; and that from and after the said Extension and new Branch shall be so made and completed, the said Tolls shall thenceforward be consolidated and form one joint Fund; and that the Surplus (after necessary Repairs) shall be paid and applied in Payment and Discharge of future accruing Interest to the said old Mortgagees and new Subscribers respectively, without any Preference or Priority whatsoever, and (subject thereto) that the Overplus of the said Tolls (if any) shall be paid and applied in discharge of the Arrears of Interest due to the said old Mortgagees: And whereas it would tend to the more easy and effectual Repair of the said Roads, Extension, and Branch respectively, if the said Acts of the Twenty-first and Forty-third Years aforesaid were repealed, and further and other Powers were granted in lieu thereof, but the same cannot be effected without the Aid and Authority of Parliament: 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 Acts of the Twenty-first and Forty-third Years of the Reign of His late Majesty shall be and the same are hereby declared to be respectively repealed, and null and void to all Intents and Purposes whatsoever; and instead thereof this Act shall be put into Execution for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, widening, altering, improving, and keeping in repair so much of the said old Turnpike-Roads, and also the Extension thereof, and Branch therefrom, as are herein-after particularly mentioned and described; (that is to say), the said Road from *Greenhill Moor* aforesaid to the said *Chesterfield* Turnpike Road near *Stoney Middleton*, and the present Branch therefrom to *Foxhouse*; also the Road leading from *Baslow* aforesaid to *Goose Green* near *Sheffield* aforesaid; and also the proposed Extension from the East End of the said first-mentioned Road upon *Greenhill Moor* to the Boundary Stone at or near *Gleadless* aforesaid; and the proposed new Branch from *Ecclesall Lane End* (through *Beauchief*) to the *Chesterfield* and *Sheffield* Turnpike Road; and that from and after the passing of this Act, such Part of the Roads mentioned and comprised in the said Acts of the Twenty-first and Forty-third Years aforesaid, as lies between *Foxhouse* aforesaid and *Hathersage*, shall be and the same is hereby declared to be surrendered and given up by the Trustees for executing the said Acts of the Twenty-first and Forty-third Years aforesaid, and this Act, to the Care, Superintendance, and Management of the Trustees for executing the said Acts of the Thirty-fifth and Fifty-first Years of the Reign of His late Majesty, and shall be for ever hereafter subject and liable to all the Provisions, Enactments, and Regulations contained in the said Acts of the Thirty-fifth and Fifty-first Years of the Reign of His late Majesty, freed and absolutely discharged from all Controul and Authority heretofore

Recited Acts 21 & 43 G. 3. repealed, and this Act to take Effect with respect to the Roads herein described.

Certain Parts of the old Road to be surrendered to the Trustees of the recited Acts of 35 & 51 G. 3.



heretofore vested in the Trustees for executing the said Acts of the Twenty-first and Forty-third Years aforesaid, and this Act, and of and from all Enactments, Provisions, and Regulations therein or herein contained; and that from and after the passing of this Act, all further Payments by the Trustees of the said Acts of the Twenty-first and Forty-third Years aforesaid, or this Act, on account of the said Annuity of One hundred Pounds, shall from that Time cease and be no longer payable.

All further Payments of Annuity of 100l. to cease.

II. And be it further enacted, That the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained (save and except such Parts thereof as are expressly varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of recited Acts 3, 4, & 5 G. 4. extended to this Act.

III. And be it further enacted, That this Act, and the Term and Tolls hereby granted, shall be and they are hereby made subject and liable to the Payment of all Monies which have been borrowed and are now due and owing on the Credit of the Tolls authorized to be taken by the said Acts of the Twenty-first and Forty-third Years of the Reign of His late Majesty King George the Third, and also of all Monies to be borrowed under and by virtue of this Act, and of all Interest due and to grow due thereon respectively, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed or become due and owing on the Credit or Security of the Tolls hereby granted; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the Trustees of the said Roads mentioned in the said Acts of the Twenty-first and Forty-third Years aforesaid, or to any other Person or Persons, for the Benefit of the said Trust, shall be liable to the Payment of all such Sum or Sums of Money to the Trustees for executing this Act.

New Term and Tolls to be subject to old and new Debts.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities made or entered into by any Person or Persons to or with any of the Trustees for executing the said Acts of the Twenty-first and Forty-third Years of the Reign of His said late Majesty hereby repealed, or either of them, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity until the same are or shall be fully satisfied and performed on account of or for the Benefit of the Roads included in this Act; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said Acts hereby repealed, to or with any Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for execut-

Bonds, &c. under former Acts to be good under this Act.



ing this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

Persons employed under former Acts to account to the Trustees under this Act.

V. And be it further enacted, That all Persons who are or have been employed, or who have received any Tolls or other Money on account of the said Roads, or who have or shall have in their Custody or Possession any Money, Books, Papers, Writings, or other Things relating to the said Roads, shall account for and pay and deliver over the same and every Part thereof to the Trustees for executing this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act are required to pay or account for the same.

Books used under former Acts to be Evidence.

VI. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts hereby repealed, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Acts had not been repealed.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the West Riding of the County of York and for the County of Derby respectively, together with the Honourable *George Augustus Henry Cavendish* commonly called Lord *George Augustus Henry Cavendish*, the Honourable *William Howard*, the Honourable *John Simpson*, the Honourable and Reverend *Robert John Eden*, Sir *William Bagshaw*, Sir *George Sitwell* Baronet, *Anthony Auriol Barker* Clerk, *William John Bagshaw*, *William Bagshaw* Clerk, *Alexander Bossley*, *Nicholas Bromehead*, *John Barker*, *Edward Barker*, *Isaac Biggen*, *Robert Birch*, *William Birds*, *Thomas Birds*, *Charles Brookfield*, *Godfrey Booker*, *Peter Pegge Burnell*, *D'Ewes Coke*, *Francis Lillyman D'Ewes Coke*, *William Carleill*, *Samuel Cecil*, *Thomas Denman*, *John Drabble*, *Vincent Eyre*, *Thomas Eyre*, *Francis Foxlowe* Clerk, *George Fletcher* Doctor of Medicine, *Francis Fenton*, *George Bustard Greaves*, *George Greaves*, *William Gauntley*, *James Holworthy*, *Francis Hodgson* Clerk, *Robert Johnson*, *Thomas Knowlton*, *James Longsdon*, *George Mower*, *James Mander*, *Horatio Mason*, *Robert Needham*, *William Newman*, *Edward Outram*, *Francis Parker* Clerk, *William Pashley* Clerk, *Henry Pearson* Clerk, *Henry Piper* Clerk, *John Read*, *Frederick Ricketts* Clerk, *Robert Newton Shaw*, *George Trevor* Clerk, *Samuel Shore*, *Samuel Shore* the younger, *Bobun Shore*, *Sydney Shore*, *Offley Shore*, *John Shore* the younger, *Samuel Simpson*, *Jonathan Stokes* Doctor of Medicine, *James Shuttleworth*, *Richard Stanley*, *Benjamin Sale*, *Richard Swallow*, *Adam Barker Slater*, *Broughton Benjamin Stead*, *Edward Valentine Stead*, *Richard Smith* Clerk, *Richard Waterhouse Smith*, *Henry Smith*, *Spencer Clerk*, *William Thornhill*, *Wotton Byrchinshaw Thomas*, *Samuel Bromehead Ward*, *Peter Walthall*, *Richard Walthall*, *Thomas Ward*, and *George Ward*, and their Successors, being duly qualified in the Manner directed by the said Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, shall be and they are hereby appointed the Trustees for repairing, altering, widening, and improving



the present Roads from *Greenbill Moor* aforesaid to the *Chesterfield* Turnpike Road near *Stoney Middleton*, and the present Branch therefrom to *Foxhouse*, and also the present Road from *Baslow* aforesaid to *Goose Green* near *Sheffield*; and also for making and repairing the said Extension of Road from *Greenbill Moor* aforesaid to the Boundary Stone near *Gleadless*, and the said new Branch from *Ecclesall Lane End* to the *Chesterfield* and *Sheffield* Turnpike Road near *Norton Woodseats*.

VIII. And be it further enacted, That the said Trustees shall meet at the *Peacock Inn* near *Holmesfield*, or at some other convenient House or Place on or near the said Roads, on the Third *Monday* next after the passing of this Act, and proceed to put the said Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, and this Act, into Execution.

First Meeting of Trustees.

IX. And be it further enacted, That it shall be lawful for the said Trustees at their First and Second Meeting, or either of them, to be held under or by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Five in the whole, to be Trustees for the Purposes of this Act and of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, in addition to the Trustees hereby nominated and appointed; and such Trustees when so elected and appointed, and being qualified according to the Directions of the said Acts, shall be and they are hereby invested with the same Powers and Authorities for executing the said Acts and this Act, as if they had been named and appointed in and by this Act.

Power to appoint additional Trustees.

X. Provided always, and be it further enacted, That the Clerk, Surveyor, and all other Officers (except the Treasurer) who have been appointed under and employed in the Execution of the said recited Acts hereby repealed, shall, if the said Trustees think right and proper, respectively continue to exercise their Offices under this Act until they shall respectively die, resign, or be displaced or be removed by the said Trustees, or be incapable of executing their respective Offices, and shall be subject to the like Rules and Regulations, and the like Pains and Penalties, in all respects whatsoever, as if they had been appointed under or by virtue of this Act.

Former Officers (except Treasurer) to continue.

XI. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has or have been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or if any Person

Treasurer and Clerk not to be the same Person.

being



being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of the Partner or Partners of such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, and this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees, other than that of Treasurer; every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Power to  
continue  
and remove  
Gates.

XII. And for the Purpose of collecting and receiving the Tolls hereby granted and made payable, be it further enacted, That the said Trustees may and they are hereby authorized to continue or remove all or any of the Toll Gates or Toll Houses which have been erected in, upon, or across any Part of the said Road, by virtue of the said Acts hereby repealed, and shall and may erect or cause to be erected such and so many other Toll Gates and Toll Houses, Weighing Machine or Weighing Machines, in, upon, or across such Parts and in such Places of the said Roads by this Act directed to be widened, improved, or kept in repair, and also across or by the Side of the said Extension and new Branch, as they the said Trustees shall think proper and expedient, and from Time to Time again to remove the same, and to alter the Situations thereof, and to build and erect another or other Toll House or Toll Houses in their Place and Stead.

Trustees to  
erect Gates  
and take  
Tolls on the  
Extension  
and new  
Branch Road.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, empowered, and required, to erect and set up, or cause to be erected and set up, in, upon, or across the said Extension and new Branch hereby authorized to be made, One or more Gate or Gates, Bar or Bars, Chain or Chains, in such Situations and Places as they shall think proper; and it shall be lawful for the said Trustees to take down and remove the said Gate or Gates, and to erect and place the same in such other Place or Places upon the said Extension and new Branch as they shall from Time to Time think proper, and to take or cause to be taken, at such Gate or Gates, such and the like Tolls as are by this Act authorized to be taken upon any other Parts of the said Roads.

Trustees  
authorized to  
take the Tolls  
herein men-  
tioned.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed by virtue of this Act Collector or Collectors as aforesaid, to demand and take the several Tolls following, at the several Toll Gates or Toll Bars, or Side Gates or Side Bars, already erected by virtue of the said Acts of the Twenty-first and Forty-third Years of the Reign of His late Majesty King *George* the Third, and



and which by virtue of this Act shall be continued, and at all such other Gates or Bars as may hereafter be erected on, upon, or across the said Roads, or on the said Extension and new Branch, or on, upon, or across the Side thereof respectively; (that is to say),

For every Horse or other Beast, drawing any Coach, Berlin, Landau, Sociable, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Whiskey, Gig or Chair, or other such Carriage, the Sum of Sixpence :

For every Horse or other Beast, drawing any Waggon, Wain, Cart, or other Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, the Sum of Four-pence; or having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, but not less than Four and a Half Inches, the Sum of Five-pence; or having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, but not less than Three Inches, the Sum of Sixpence; or having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Three Inches, the Sum of Seven-pence Halfpenny :

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

For every Pair of Mill Stones, or Block or Blocks of Stone or Timber, drawn by any Number of Horses or other Beasts of Draught, not exceeding Four, the Sum of Two Shillings and Sixpence, and One Shilling *per* Horse for every Horse above Four :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for every greater or less Quantity :

And,  
For every Drove of Calves, Hogs, Pigs, Sheep, or Lambs, the Sum of Five-pence *per* Score, and so in proportion for every greater or less Quantity.

And the said respective Tolls shall be vested in the said Trustees, and shall be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage whatsoever, or Drove of Oxen or Neat Cattle, Calves, Hogs, Pigs, Sheep, or Lambs, be permitted to pass through any Toll Gate erected or to be erected or continued by virtue of this Act on the said present Roads and Branch, or on the said Extension and new Branch, or upon the Side of the same respectively: Provided always, that no more than Three full Tolls shall or may be demanded or taken between the *Chesterfield* Turnpike Road (near *Stoney Middleton*) and *Goose Green* near *Sheffield*, or between the said *Chesterfield* Turnpike Road and the said Boundary Stone near *Gleadless*, or between *Baslow* and *Goose Green* aforesaid, nor more than One full Toll upon the said Extension of Road, nor more than One full Toll upon the said new Branch; any thing herein contained to the contrary notwithstanding.

XV. Provided always, and be it further enacted, That no Toll Bar shall be erected, nor shall any Toll be taken on any Part of the said Road between the said Guide Post and House and Garden in the Occupation of *Margaret Gardom*, by the Trustees for executing this Act, so long as the said Part of the said Road shall be well and effectually repaired and kept in repair by and at the Expence of the Trustees for executing the said Act of the Fifty-second Year of the Reign of His late Majesty, to the

[Local.]

27 S

Satisfaction

Tolls.

Limiting the Number of Tolls on different Lengths of the said Road.

No Tolls to be taken on a certain Piece of Road so long as the Trustees of 52G. 3. c. 31. repair the same.



Satisfaction of the Trustees for executing this Act, or their Surveyor for the Time being.

No Tolls on returning before Twelve o'Clock at Night.

XVI. Provided always, and be it further enacted, That no Person who shall have paid One full Toll for the passing of any Horse, Cattle, Beast, or Carriage through any Toll Gate or Turnpike erected by virtue of this Act, shall be subject to any Toll for returning through such Toll Gate or Turnpike once on the same Day before Twelve of the Clock at Night with the same Horse, Cattle, Beast, or Carriage, but shall so return Toll-free.

Stage Coaches, &c. to pay for re-passing.

XVII. Provided also, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach or any Stage Waggon, Van, Caravan, or other Stage Carriage conveying Passengers or Goods for Payment, Hire, or Reward, for which Toll shall have been paid, and which shall return on the same Day through the same Turnpike or Toll Gate with fresh Passengers or Loading, the Tolls hereby made payable shall be paid for re-passing through such Toll Gate in like Manner as if no Toll had been before paid; and that the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing Post Chaises and other Carriages travelling for Hire for every Time of passing or re-passing along the said Road on the same Day, as often as a fresh Hiring thereof shall take place.

Post Chaises &c. to pay on every new Hiring.

Exemption of Tolls to certain Persons, so long as Slags and Cinders are provided for the Use of the Road.

XVIII. And be it further enacted, That no Toll shall be demanded or taken at any Toll Gate to be erected between *Baslow* aforesaid and the Turnpike Road from *Chesterfield* to *Curbar*, for any Horse or other Beast laden only with, or drawing any Cart laden only with Lead, Lead Ore, Coals, Coke, Lime, or other Materials, going to or from a certain Cupola called *Barker's Cupola*, nor for the Riding or Carriage Horses of the Occupiers of the said Cupola, or their Servants, for and during so long Time as the Occupiers thereof shall permit and suffer the said Trustees for executing this Act, and their Surveyors for the Time being, to have, lead, take, and carry away from the said Cupola, for the Repair of the said Roads, and without making any other Compensation for the same, all or so many of the Slags and Cinders made thereat as shall be of no further Use but for the Repair of Roads.

Abatement in Tolls for Wheels of a particular Construction.

XIX. And be it further enacted, That all Waggons, Carts, and other Carriages having the Wheels cylindrical, and not deviating more than One-eighth of an Inch from a flat Surface, and of not less Breadth than Four Inches and a Half on the Soles thereof, with the Nails countersunk, and with the Axle-trees fixed as mentioned and described in and by the said recited Act of the Third Year of the Reign of His said late Majesty, shall be allowed an Abatement of One-third Part of the Tolls by this Act granted, except any fractional Part less than a Halfpenny.

Application of Monies.

XX. And be it further enacted, That all the Monies which (before the Day of the Commencement of this Act) shall have been raised and produced by virtue of the said Acts hereby repealed, for or in respect of the Roads by this Act directed to be kept in repair, 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 vested in the Trustees for the Time being, and be in the first Place paid and applied in discharging the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, together with lawful Interest for the same from the Time of advancing thereof, and in the next Place in defraying the Expences of keeping in repair the Toll Gates and Toll Houses, and of altering, widening, diverting, repairing, and preserving the said Roads by this Act directed to be kept in repair as aforesaid, and of erecting and making necessary and convenient Bridges upon the same, and otherwise executing the other Purposes of the said last-recited Acts and this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which shall have been borrowed and secured in pursuance of and for the Purposes of the said Acts hereby repealed in respect of the said Roads, and the several Principal Sums which may be hereafter borrowed and secured by virtue of this Act.

XXI. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

When Tolls amount to a fractional Part of a Halfpenny.

XXII. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Roads, carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing along the said Roads drawn by One Horse only shall and may be weighed at any Weighing Machine now erected or to be erected on the said Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof, as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggon, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

One Horse Carts may be weighed.

XXIII. Provided also; and be it further enacted, That in case any Person or Persons shall advance and pay any Money for or towards the paying and defraying the Costs, Charges, and Expences of passing this Act, such Person or Persons shall be repaid the same, together with lawful Interest thereon from the Time of advancing such Money.

Interest to be paid for Money advanced.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, to set out, make, and complete the said Extension and new Branch of Road herein-before mentioned, as described and referred to in the Plan herein-after mentioned.

Power to make the Diversion.

XXV. And whereas a Map or Plan describing the Line of the said intended Extension of Road, and the said new Branch of Road, together with a Book of Reference containing Lists of the Names of the several Owners

Owners



Plan deposited with Clerk of the Peace to be open to Inspection.

Trustees not to deviate more than 100 Yards from Plan.

Misnomer not to prevent the Execution of this Act.

Houses, &c. not to be taken without Consent.

Lands, &c. to be purchased within Five Years.

Owners and Occupiers of the Lands, Buildings, Tenements, and Hereditaments through which the same is and are intended to pass, hath been deposited at the respective Offices of the Clerks of the Peace for the said County of *Derby* and the West Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the respective Clerks of the Peace aforesaid, to the End that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts therefrom at their Will and Pleasure, paying to the respective Clerks of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees in making the said Extension and new Branch of Road, as described in the said Map or Plan, shall not deviate more than One hundred Yards from the Line thereof without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

XXVI. Provided always, and be it further enacted, That if any of the Lands to be taken or used for the Purposes of this Act shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Lands described in the said Map or Plan, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Book of Reference, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, but the several Lands, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the Owners and Occupiers of the same had not been omitted or were properly and accurately named; provided it shall appear to any Two or more Justices of the Peace of the County wherein such Lands shall be situated, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real Owners or Occupiers of such Lands had Notice that such Lands would be wanted for the Purposes thereof.

XXVII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Extension of Road, or the said new Branch of Road, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-five, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Paddock, planted Walk or Avenue to a House, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested therein respectively: Provided also, that if the said Trustees shall not within the Space of Five Years, to be computed from the Day of the passing of this Act, agree for or cause to be valued and paid for, as by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty is mentioned and directed, the several Lands, Tenements, and Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they



they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities by this Act granted to them, of purchasing the same, or such Part thereof, as aforesaid, shall cease, determine, and be utterly void, (save and except with the Consent of the Owners and Proprietors thereof respectively.)

XXVIII. And be it further enacted, That all Owners, Occupiers, Grantees, Trustees, Feoffees, and Committees of any Lands, Tenements, and Hereditaments, and all other Person or Persons liable by reason of any Tenure, Inclosure, Prescription, Custom, or other lawful Cause of Obligation, to the amending, maintaining, or repairing, or to contribute to the amending or repairing of any Part or Parts of the said Roads, or any Bridge, Causeway, Drain, Arch, or Sewer therein, shall, notwithstanding any thing herein contained, still remain liable and chargeable in such Manner as they were before the passing of this Act.

Persons liable to the Repair of the present Roads to continue so.

XXIX. And be it further enacted, That none of the Tolls authorized to be taken by virtue of this Act, or any of the Money to be borrowed upon the Credit thereof, shall be laid out or expended in the Amendment, Repair, or Improvement of the Extension or Branch or Branches of Road included in this Act, if there shall be no Turnpike or Toll Gate erected thereupon respectively, and Tolls taken thereat.

No Money to be laid out on Extension or Branches if Toll Gates be not erected thereon, and Tolls taken.

XXX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any other Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said present Majesty is particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like

Application of Compensation Money when exceeding 200*l.*

1 G. 4. c. 35.



Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid. stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less than 200l. but not less than 20l.

XXXI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

When less than 20l.

XXXII. And be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purpose of this Act, in such Manner as the said Trustees shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XXXIII. And



XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account, to the Credit of the Persons interested in the said Lands, Tenements, and Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, &c. Money to be paid into the Bank.

XXXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money.

XXXV. And



The Court of Exchequer may order reasonable Expences of Purchases to be paid by Trustees.

XXXV. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expence of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Public Act.

XXXVI. 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.

Commencement and Continuance of this Act.

XXXVII. And be it further enacted, That this Act shall commence and take effect from the Day of the passing thereof, and shall continue and be in force and be executed for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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