



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. xiii.

An Act for more effectually repairing the Road from the *Rotherham* and *Mansfield* Turnpike Road, at or near *Clown* in the County of *Derby*, to the *Worksop* and *Kelham* Turnpike Road at or near *Budby* in the County of *Nottingham*.

[11th March 1831.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King George the Third, intituled *An Act for making and keeping in repair a Carriage Road* 50 G. 3. c. 59. from the Turnpike Road leading from Rotherham in the County of York to Mansfield in the County of Nottingham, at or near Clown in the County of Derby, to the Turnpike Road leading from Worksop to Kelham at or near Budby in the County of Nottingham: And whereas the Trustees acting under and by virtue of the said recited Act have made the said Road, and otherwise proceeded in the Execution thereof; and several considerable Sums of Money have been borrowed upon the Credit of the Tolls by the said Act authorized to be taken, which Money still remains due and owing, and cannot be repaid, nor can the said Road be effectually amended and kept in repair, unless further and other Tolls, Powers, and Provisions are granted and made for those Purposes: And whereas it would be convenient if the said recited Act were repealed, and further and other Powers and Provisions granted and made instead thereof: May it therefore please Your Majesty that it may be enacted; and

[Local.] K k be

Recited Act
repealed, and
this Act to be
put in execu-
tion instead
thereof.

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 from and after the Third *Wednesday* next after the passing of this Act the said recited Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third shall be and the same is hereby declared to be repealed, and instead thereof this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, and from Time to Time widening, improving, and keeping in repair the present Carriage and Turnpike Road from the said *Rotherham* and *Mansfield* Road at or near *Clown* to the said *Worksop* and *Kelham* Road, and passing through the several Parishes, Townships, Liberties, or Hamlets of *Clown*, *Elmton*, *Whaley*, *Bolsover*, and *Whitwell* in the said County of *Derby*, and *Holbeck*, *Woodhouse*, *Norton Cuckney*, *Norton*, *Welbeck*, *Wassop*, *Budby*, and *Edwinstowe* in the said County of *Nottingham*.

Former Debts
vested in
Trustees
under this
Act.

II. And be it further enacted, That all Arrears of Tolls or Rents and other Monies due to, and Property Real or Personal, and all Choses in and Rights of Action either at Law or in Equity, vested in the Trustees under the said recited Act hereby repealed, shall immediately on the Commencement of this Act be vested in the Trustees for executing this Act, who shall be and they are hereby enabled to sue for and recover the same, and for that Purpose to cause to be commenced and prosecuted all Actions and Suits at Law or in Equity, and to act in respect thereof as effectually as if the same had become due to or had been vested in them under or by virtue of this Act,

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the County of *Derby* and for the County of *Nottingham* respectively, together with the Right Honourable *Henry Charles Howard* commonly called the Earl of *Surrey*, *Jonathan Alderson* Clerk, *William Alderson* Clerk, *Christopher Alderson* Clerk, *John Carver Althorpe*, *Francis Rokeby Appleby*, *Charles Appleby*, *Job Allen*, *William Bagshaw* Clerk, *William Booth*, *Henry Bowdon*, *John Bruno Bowdon*, *Henry Bowdon junior*, *John Bowdon*, *Alexander Crawford Bromehead* Clerk, *Joseph Bromehead*, *Thomas Butler*, *Thomas Booth*, *Samuel Bailey*, *John Champion*, *Charles Champion*, *Peter Cadman*, *Peter Cadman junior*, *William Champion*, *James Deakin*, *Thomas Deakin*, *Thomas Dunn*, *William Downes* Clerk, *John Doncaster*, *Charles Doncaster*, *Joseph Dixon* Clerk, *George Downs*, *Michael Ellison*, the Honourable and Reverend *Thomas Erskine* Clerk, *Edward Fox*, *John Frogatt*, *Francis Foxlow* Clerk, *Henry Savile Foljambe*, *John Forster*, *George Savile Foljambe*, *George Fox*, *George Bustard Greaves*, *Henry Marwood Greaves*, *Edmund Gilling*, *William Grafton*, *Robert Gravenor*, *Thomas Garthwaite*, *James Hunloke*, *Thomas Beard Holy*, *Bartholomew Hounsfield*, *Edward Humble*, *Rowland Hibberd*, *John Horncastle*, *John Horncastle junior*, *Samuel Hole*, *Samuel Jackson*, *Charles Jackson*, *John Jubb*, *Richard Inman* Clerk, *William Jeffcock*, *Henry Jubb*, *Henry Gally Knight*, *William Jarvis*, *Samuel Lucas*, *Maynard Lucas* (*Brimington*), *Henry Machin*, *Thomas Mountain* Clerk, *John Milner*,
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George

George Mason Clerk, Charles Neale, John Norborn, William Newbold, Francis Oxley, Francis Outram, Henry Owen, Hugh Parker, Pausey Clerk, William Potter (Beighton), Robert Pashley, John Parker (Woodthorpe), Samuel Parker (Woodthorpe), William John Pickin, John Parkinson, Richard Parkinson, James Pearce, John Read, Samuel Roberts junior, Cornelius Heathcote Reaston Rodes Clerk, Joseph Read, the Honourable and Reverend John Lumley Saville, Henry Sikes, Thomas Stacey Clerk, the Honourable John Simpson, John Shirt, John Staniforth (Beighton), George Saville (Clerk), Samuel Shore (Norton), John Smelter, Sir George Sitwell Baronet, Offley Shore, John Sorby, Henry Sorby, John Staveley, William Smith, John Stacey, Nassau Sutton, Richard Turner, Henry Verelst, Arthur Charles Verelst Clerk, Josias Verelst, William Verelst, William Vickers (Aston), Robert Wright, Willows Wright, William Wright, George Whitehead Clerk, John Wright (Waleswood), George Wright, Thomas Wright, Joseph Wheatley, Henry Brown Woodcock, Thomas Weldon, Henry Walker, John Wright, James Wheat, William Wagstaff, Robert Wright junior, Charles Wright junior, Sir Thomas Woollaston White Baronet, William Weldon, John Watson, John Wilson, and Samuel Younge junior, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be and they are hereby appointed Trustees for putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any of their Meetings, to elect and appoint any Number of fit and proper Persons (not exceeding Five in the whole) to be Trustees for the Purposes of this Act in addition to the Trustees herein named and appointed; and such Trustees when so elected and appointed, and being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby invested with the same Powers for executing this Act as if they had been herein named and appointed. Power to appoint additional Trustees.

V. And be it further enacted, That the said Trustees acting in the Execution of this Act shall meet on the Third *Thursday* next after the passing thereof, or as soon after as conveniently may be, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, at the *White Hart* Inn in *Eckington* in the said County of *Derby*, or at some convenient House or Place on or near to the said Road, and shall and may then and from Time to Time adjourn to and meet at such Times and at such Places upon or near to the said Road as they shall think proper. Meetings of Trustees.

VI. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons under their Authority, to demand and take at each and every of the Turnpikes, Toll Gates, Bars, or Chains which by virtue of this Act shall be continued or erected in, upon, across, or on the Side or Sides of the said Road or any Part thereof, before any Horse, Cattle, Beast, or Carriage shall be permitted to pass through the same, the several Tolls following; that is to say, Power to take Tolls.

For

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Sociable, Chariot, Curricule, Calash, Hearse, Chaise, Phaeton, Whiskey, Gig, Chair, or Taxed Cart, and every other Carriage on Springs, where the same shall be drawn by Six Horses or other Beasts, the Sum of Five-pence; and where drawn by Five or a less Number of Horses or other Beasts, the Sum of Four-pence Half-penny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, where drawn by Five or more Horses or other Beasts, the Sum of Five-pence:

For every Horse or other Beast drawing any such Waggon, Wain, Cart, or Carriage as aforesaid, where drawn by a less Number than Five Horses or other Beasts, the Sum of Four-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Six Inches, the Sum of Six-pence Halfpenny:

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

For every Horse or other Beast drawing any Millstone or Block or Blocks of Stone or Timber, where the same shall be drawn by Four or more Horses or other Beasts, the Sum of Ten-pence Halfpenny:

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

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

Toll to be taken but once for passing and repassing on the same Day.

VII. And be it further enacted, That if the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any Toll Gate or Turnpike to be continued or erected by virtue of this Act, such Horse, Cattle, Beast, or Carriage shall, upon a Ticket being produced denoting such Payment, be permitted to pass Toll-free through the same Toll Gate or Turnpike, and also through such other Gate or Gates as the Ticket for such Payment shall free, at all Times during the same Day.

Number of Tolls limited.

VIII. Provided always, and be it further enacted, That no more than One full Toll shall be demanded or taken from any Person or Persons for passing and repassing the same Day, with the same Horses, Cattle, Beasts, or Carriages, through all or any of the Toll Gates or Turnpikes to be continued or erected by virtue of this Act, in the whole Length of that Part of the said Road from the Commencement thereof at *Clown* aforesaid to a House now or lately occupied by the Honourable *Monckton*, in or near the Township of *Cuckney* aforesaid, nor in the whole Length of that Part of the said Road from the said last-mentioned House to the Termination of the said Road at *Budby*.

Payment of Tolls for Stage

IX. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for or in respect of all Horses or other

other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying or conveying Passengers or Goods for Payment, Hire, or Reward, for every Time of passing or repassing along the said Road; and also for and in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road, whenever a new Hiring thereof shall have taken place: Provided nevertheless, that no further or additional Toll shall be payable in respect of Stage Coaches on account only of the Horses drawing the same having been changed.

Coaches,
Post Chaises,
&c.

X. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby authorized, at any of their Meetings, to demise and mortgage the Tolls on the said Road or any Part or Parts thereof, and the Turnpikes and Toll Houses for collecting the same, (the Costs and Charges of which Mortgages shall be paid out of the Tolls,) as a Security to any Person or Persons, or their Trustees, who may have already advanced any Sum or Sums of Money for the Purposes of the said Road under the Authority of the said Act hereby repealed, and for which any such Security hath not heretofore been made or given, the Amount of all lawful Interest which shall or may have accrued due in respect thereof being first added to the Principal Money so advanced, in such and the same Manner and Form as by Law the said Trustees might demise or mortgage the said Tolls for any Sum or Sums of Money hereafter to be borrowed and taken up at Interest on the Credit of such Tolls.

Trustees may
grant Mort-
gages for
Money al-
ready bor-
rowed.

XI. And be it further enacted, That the Costs, Charges, and Expences incurred in or incidental to the obtaining and passing of this Act shall be paid out of any Monies already received or borrowed by virtue of the said recited Act hereby repealed, or out of the first Monies to arise by virtue of this Act; and the Remainder of all such Monies (after Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other such Expences incidental to the Execution of this Act,) shall be applied in keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls collected or arising from or payable in respect of the said Road, and which may hereafter be borrowed on the Credit of this Act, or of the Tolls to arise from or be collected on or to be paid in respect of the said Road, and in erecting Turnpikes or Toll Houses on the said Road, and in amending, widening, improving, and keeping in repair the said Road, and otherwise in carrying this Act into execution, and in repaying the Principal Monies already borrowed on the Credit of the Tolls collected on or arising from or payable in respect of the said Road, and the Principal Monies which may hereafter be borrowed by virtue of this Act.

Application
of the Funds
of the Road.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Act, or to be raised by virtue of this Act, in repairing,
[Local.] L l lighting,

No Money to
be expended
in repairing
Streets.

lighting, or improving any Street, Highway, or Place in any Town into or through which the said Road passes, or to collect any Tolls therein.

Public Act.

XIII. 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.

Term of Act.

XIV. And be it further enacted, That this Act shall commence and take effect from and after the Third *Wednesday* next after the passing thereof, and shall continue and be in force for the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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