



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. vii.

An Act for repairing the Road from *Darby Moor* in the County of *Derby* to *Ellaston* in the County of *Stafford*, and from thence to the Turnpike Road between *Leek* in the same County and *Ashborne* in the County of *Derby*. [29th March 1833.]

WHEREAS an Act was passed in the Ninth Year of the Reign of King George the Third, intituled *An Act for repairing and widening the Road from Darby Moor in the County of Derby to Ellaston in the County of Stafford, and from thence to the Turnpike Road between Leek and Ashborne in the said Counties of Derby and Stafford*: And whereas another Act was passed in the Thirty-first Year of the Reign of King George the Third, intituled *An Act to enlarge the Term and Powers of an Act passed in the Ninth Year of the Reign of His present Majesty, for repairing and widening the Road from Darby Moor in the County of Derby to Ellaston in the County of Stafford, and from thence to the Turnpike Road between Leek and Ashborne in the said Counties of Derby and Stafford*: And whereas another Act was passed in the Fifty-second Year of the Reign of King George the Third, intituled *An Act to continue and amend Two Acts of the Ninth and Thirty-first Years of His present Majesty, for repairing the Road from Darby Moor in the County of Derby to Ellaston in the County of Stafford, and from thence to the Turnpike Road between Leek and Ashborne in the said Counties of Derby and Stafford*: And whereas considerable Sums of Money have been
[Local.] I i borrowed

9 G. 3. c. 81.
31 G. 3. c. 123.
52 G. 3. c. 86.

borrowed and are now due and owing upon the Credit of the Tolls authorized to be collected upon the said Roads by virtue of the said Acts, and which Money cannot be paid off, nor can the said Roads be effectually amended and kept in good Repair, unless the Term and Powers of the said Acts are enlarged, and the Tolls thereby granted increased : And whereas, for the Purposes aforesaid, it is expedient that the said Acts should be repealed, and that other Provisions should be granted instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most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 upon the Day of the Commencement of this Act the said Acts of the Ninth and Thirty-first and Fifty-second Years of the Reign of King *George* the Third shall be and the same are hereby declared to be repealed.

Recited Acts
repealed.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing and keeping in repair the Road from *Darby Moor* in the County of *Derby* to *Ellaston* in the County of *Stafford*, and from thence to the Turnpike Road between *Leek* in the same County and *Ashborne* in the County of *Derby*.

This Act
to be put in
execution
for the
Purposes
herein men-
tioned.

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 all His Majesty's Justices of the Peace for the Time being acting for the County of *Stafford*, together with *George Alsop*, *Henry Arnold*, *William Arnold*, *Ralph Bagshaw* the elder, *Ralph Bagshaw* the younger, *Charles Ball*, *John Ball*, *Joseph Ball*, *Thomas Ball*, *William Ball*, *James Beech*, *Samuel Bennison*, *William Bick*, *John Bill* the younger, *Thomas Bingham* Clerk, *William Blount*, *John Robert Cave Browne*, *James Burnett* the younger, *Thomas Burnett*, *William Burnett*, *Richard Burton*, *William Carlisle* Clerk, *Davies Davenport*, *Edmund Evans*, *Bennett Fallows*, *James Fernihough*, *Sir Henry Fitzherbert* Baronet, *Thomas Fitzherbert*, *William Fitzherbert*, *George Fletcher* Doctor of Medicine, *John Fox*, *Joseph Fox*, *Thomas Gent*, *Thomas Gilbert* the younger, *Court Dewes Granville*, *Charles Springel Greaves*, *William Greaves* Doctor of Medicine, *George Hake* Clerk, *John Harrison*, *Thomas Hart*, *Godfrey Johnson*, *John Pike Jones* Clerk, *Thomas Maskery*, *John Norris*, *Roger Oakden*, *Thomas Oakden*, *William Orpe*, *James Orton*, *Charles Prince*, *John Prince*, *Richard Prince*, *Thomas Roe*, *William Rogers*, *Jesse Watts Russell*, *William Scarratt*, *Joseph Slack*, *Bartholomew Massey Smith*, *Charles Smith*, *John Smith*, *Thomas Smith*, *Thomas Smith* of *Whiston Eaves*, *John Sneyd* Clerk, *William Sutton*, *Herbert Taylor* Doctor of Medicine, *Edward Unwin* Clerk, *George Walker*, *John Walker*, *Samuel Walker*, *John Wakefield* Clerk, *Richard Ward* Clerk, *Charles Weston*, and *Robert Wood*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing the said Roads, and for otherwise putting this Act into execution.

Appointment
of Trustees.

IV. And

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

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the *Bromley Arms Inn* in *Ellaston* aforesaid, or at some other convenient Place in the said Town, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall then and there proceed to put this Act into execution; and shall and may then and from Time to Time afterwards adjourn to and meet at such Time or Times and at such Place or Places within the said Town, or elsewhere in the Neighbourhood of the said Roads, as they shall think proper.

First
Meeting of
Trustees.

VI. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses, and Weighing Machines, erected and now standing and being in, upon, or across the said Roads, or on the Sides thereof, shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected, set up, and built, upon, in, or across the said Roads, or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Gates, Turnpikes, Toll Houses, and Weighing Machines, or such future Gates, Turnpikes, Side Gates, Bars, Chains, and Weighing Machines, or any of them, as they the said Trustees shall think proper.

Power to
continue
Toll Gates
and erect
others.

VII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Turnpikes or Toll Gates or Toll Houses, or Side Bars or Side Gates or Chains, which are or is or shall be standing or being or continued or erected by virtue of this Act, in, upon, across, or on the Side or Sides of the said Roads, or any Part thereof, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night; (that is to say,)

Power to
take Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise Marine, Calash, Curricule, Phaeton, Chaise, Car, Chair, Stage Coach, Caravan, Van, Hearse, or other Carriage on Springs, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, Dray, or other Carriage not on Springs, having the Fellies of the
Wheels

Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Four-pence; and having the Fellies of the Wheels thereof of less Breadth than Six Inches, the Sum of Sixpence:

For every Four-wheeled Carriage of any Description which shall be fastened or in any Manner fixed to another Carriage, the Sum of One Shilling; and for every Two-wheeled Carriage so fixed, the Sum of Sixpence:

For every Carriage propelled by Steam or Machinery, without Horses or Beasts drawing the same, for each Wheel on which the same shall run, the Sum of Nine-pence:

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

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

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

Fraction of a
Halfpenny in
Tolls.

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part:

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage whatsoever, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof; and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

Toll to be
paid but once
a Day.

VIII. Provided always, and be it further enacted, That in case any Tolls or Toll hereby authorized to be taken shall at any Time in any One Day (to be computed as aforesaid) have been paid for the passing of any Horse, Beast, or Cattle through any such Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains, such Horse, Beast, or Cattle shall (except in the Cases herein-after mentioned), upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to repass Toll-free through the same Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains, at which such Payment shall have been made, at any Time or Times during the same Day (to be computed as aforesaid).

No more than
Two full
Tolls to be
paid on the
whole Line of
Road in One
Day.

IX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees to cause more than Two full Tolls to be demanded or taken in One Day (to be computed as aforesaid) for or in respect of the Passage of the same Horses, Beasts, Cattle, and Carriages through all the several Turnpikes or Toll Gates now erected or to be erected on the whole Line of the said Roads.

X. Pro-

X. Provided always, and be it further enacted, That in case the Toll in this Act mentioned shall have been paid for the passing of any Horse or Horses, or other Beast or Beasts, drawing any Waggon, Wain, Cart, or other such Carriage of any Description, for passing through any Toll Gate, Turnpike, Side Gate, Side Bar, or Chain on the said Roads, and any such Horse or other Beast shall afterwards be employed on the said Roads during the same Day in drawing a different Waggon, Wain, Cart, or other such Carriage from that which they were employed in drawing when such Payment was made, every such Horse or other Beast so drawing shall be again liable to Toll in respect of being employed in drawing such different Waggon, Wain, Cart, or other such Carriage.

Horses drawing different Carriages to pay each Time of passing.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or any Cart or Carriage whatever, conveying Passengers or Goods for Hire or Reward, shall be payable and paid for each Time of passing or repassing through the said Turnpikes, Toll Gates, or Side Gates on the said Roads: Provided also nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or Carriage, on account only of the Horses or Beasts drawing the same having been changed.

Stage Coaches, &c. to pay every Time of passing;

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid for each Time of passing or repassing along the said Roads whenever any fresh Hiring thereof shall take place.

Post Chaises on every fresh Hiring.

XIII. And be it further enacted, That all Monies now in the Hands of the said Trustees, or which shall or may be collected or received under the Powers or Authority of this Act, shall be applied in the first place in defraying the Costs, Charges, and Expences attending the applying for and obtaining and passing this Act, together with Interest for any Money paid or advanced for such Purposes; and in the next place in paying and discharging all Sums of Money which shall be due for Damages done in getting Materials, and for Rent of Quarries taken and used for the Repair and Improvement of the said Roads, and in defraying the necessary Expence of continuing, providing, erecting, and keeping in repair the Turnpikes, Toll Houses, and other Buildings, Side Gates, Bars, and Chains, and Milestones, and the necessary Expences for the Use of Rooms at the Meetings of Trustees, Printing, Stationery, Clerk's, Surveyor's, and Treasurer's Salaries, and other current Expences incidental to the Execution of this Act, or to be incurred by the said Trustees therein; in the next place, in paying and discharging all Interest in respect of the Money now due and owing on the Credit of the Tolls granted and made payable by the said recited Acts hereby repealed, and in paying off and discharging the Interest on any Sums of Money which shall hereafter be borrowed or taken up at Interest on Security of the Tolls hereby

Application of Tolls.

[*Local.*]

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granted;

granted; and in the next place, in repairing and keeping in repair the said Roads, and in otherwise putting this Act into execution; and the Residue of the Monies so to be collected and received (if any) shall be applied towards the Reduction of the Principal Monies borrowed or to be borrowed, or which shall be due and owing, on the Credit of the Tolls payable on the said Roads by virtue of the said recited Acts or this Act, and that without any Preference or Priority, except with the Consent of the other Creditors, who may waive the same.

No Money to
be expended
in repairing
Streets of
Ellaston.

XIV. 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 Acts hereby repealed or any of them, or to be raised by virtue of this Act, in repairing, lighting, or improving any Street, Highway, or Place in the said Town of *Ellaston*, or to collect any Tolls by virtue of this Act therein.

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.

Term of Act.

XVI. And be it further enacted, That this Act shall commence and take effect upon the Second *Tuesday* after the Day of the passing thereof, and shall continue and be in force 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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Printers to the King's most Excellent Majesty. 1833.