



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. lxxvi.

An Act for maintaining and improving the Turnpike Road from the Guide Post below *Haddon*, out of the *Bakewell* Turnpike Road, into the *Bentley* and *Ashbourne* Turnpike Road, in the County of *Derby*. [10th June 1833.]

WHEREAS an Act was passed in the Fifty-first Year of the Reign of His Majesty King George the Third, intituled *An Act for making and maintaining a Road from the Guide Post below Haddon, out of the Bakewell Turnpike Road, by Grange Mill, into the Bentley and Ashbourne Turnpike Road, in the County of Derby*: And whereas the Trustees for executing the said recited Act have proceeded to put the same into execution, and for that Purpose several Sums of Money have been borrowed and have been secured upon the Tolls by the said Act authorized to be taken, and still remain due and owing, and the Term granted by the said Act is near expiring, and the said Road cannot be maintained in sufficient Repair, nor can the Monies borrowed and now due and owing on the Credit of the Tolls thereby granted be paid off, unless the Term and Powers of the said Act be continued; and it would be more convenient to the said Trustees, and the said Road might be better and more effectually amended, widened, improved, and repaired; if the said recited Act was repealed, and if further, better, and more effectual Powers were granted instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: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

[Local.] 20 N King's

51 G.3. c.74.

Recited Act
repealed.

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 on the Third *Saturday* next after the passing of this Act the said recited Act passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third shall be and the same is hereby declared to be repealed.

This Act to
be put in
force for re-
pairing the
Road herein
mentioned.

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 amending, widening, improving, repairing, maintaining, and keeping in repair the Road leading from and out of the present Turnpike Road from the Guide Post below *Haddon* in the Parish of *Bakewell*, through the several Parishes, Townships, or Hamlets of *Bakewell*, *Haddon*, *Toulgreave*, *Stanton*, *Birchover*, *Elton*, *Winster*, and *Ivenbrook Grange*, by *Grange Mill*, and from thence through the several Parishes, Townships, or Hamlets of *Wirksworth*, *Brassington*, *Bradbourne*, *Kniveton*, and *Bentley*, to the Turnpike Road leading from *Bentley* to *Ashbourne*, all in the said County of *Derby*.

Penalties in-
curred under
former Act
may be re-
covered un-
der this Act.

III. And be it further enacted, That all Penalties incurred before the Commencement of this Act under the Provisions of the said recited Act hereby repealed may be sued for and recovered by the Trustees for executing this Act; and all Encroachments, Nuisances, and other Offences made or committed before the Commencement of this Act against the Provisions of the said recited Act hereby repealed may be abated or prosecuted by the Trustees for executing this Act, in like Manner as if such Penalties had been incurred, or such Encroachments, Nuisances, and Offences had been incurred or committed, under the Provisions of this Act.

Appointment
of Trustees.

IV. And be it further enacted, That all His Majesty's Justices of the Peace acting for the said County of *Derby* for the Time being, together with the Right Honourable the Earl of *Newburgh*, the Honourable *William Cavendish* (commonly called Lord *Cavendish*), the Right Honourable *James Abercrombie*, the Honourable *Charles Cavendish*, the Honourable *Francis Eyre*, the Honourable *Nathaniel Curzon*, *Peter Arkwright*, *Charles Arkwright*, *William Alsop* (of *Brassington*), *Thomas Bateman*, *William Bateman*, *William Brittlebank*, *Andrew Brittlebank*, *Benjamin Brittlebank*, *John Brittlebank*, *Thomas Burgoine*, *Joseph Bradley*, *William Barker*, *Samuel Barker*, *Joseph Briddon*, *Benjamin Curry*, *John Cruso* the younger, *D'ewes Coke*, *D'ewes Coke* the younger, *Thomas Coates*, *Benjamin Chambers*, *John Blackwall Cantrell*, *Thomas Finney*, *Charles Finney*, *John Finney*, *Thomas Fogg*, *John Nicholas Gell*, *John Gisborne*, *George Goodwin*, *Joseph Gould*, *Isaac Greaves*, *James Gregory*, *Charles Hurt* the younger, *Richard Hurt*, *Arthur Heathcote Heathcote*, *Philip Heacock*, *John Higgott*, *James Hambleton*, *John Goodwin Johnson*, *Thomas Lomas*, *William Melland*, *George Nuttall*, *Christopher Bower Potter*, *John Rogers*, *Thomas Sheldon*, *William Thornhill* of *Hathersage*, *George Toplis*, *Ralph Toplis*, *William Teasdale*, *Thomas Webster*, *German Wheatcroft*, *Benjamin Wyatt*, *William Wyatt*, *Peter Wright*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for amending, widening, improving, repairing, maintaining, and keeping in repair the said Road, and for otherwise putting this Act into execution.

V. And

V. 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 and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three 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 ad-
ditional
Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet at the House of *Richard Roberts*, the *Angel*, at *Winster* in the said County of *Derby*, or at some other convenient Place near to the said Road, on the Third *Saturday* next after the passing of this Act, or as soon after as conveniently may be, and proceed in the Execution of this Act, and shall and may then and from Time to Time after adjourn to and meet at such Times, and at such Place or Places near to the said Road, as they shall think proper.

First Meeting
of Trustees.

VII. And be it further enacted, That it shall be lawful for the said Trustees to demand and take, or cause to be demanded and taken, the Tolls or Sums herein-after mentioned at the several and respective Toll Gates or Turnpikes or Toll Houses, or Side Gates, Side Bars, or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, or across or on the Side or Sides of the said Road, or any Part or Parts thereof, and 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), before the Horse or other Animal, Carriage, or Vehicle in respect of which the same shall be payable shall be allowed to pass through any such Toll Gate or Turnpike, or Side Gate, Side Bar, or Chain; (that is to say,)

Power to
take Tolls.

For each and every Horse or other Beast drawing any Coach, Landau, Sociable, Chariot, Curricule, Calash, Berlin, Chaise, Phaeton, Hearse, Stage Coach, Diligence, Van, Caravan, Whiskey, Gig, Chair, or Taxed Cart, or any other such like Carriage, the Sum of Sixpence:

Tolls.

For each and every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Four-pence Halfpenny, if such Waggon, Wain, Cart, or other such like Carriage shall be drawn by more than One Horse or other Beast, but if drawn by only One Horse or other Beast, then the Sum of Three-pence:

For each and every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and under Six Inches, the Sum of Sixpence if such Waggon, Wain, Cart, or other such like Carriage shall be drawn by more than One Horse or other Beast, but if drawn by only One Horse or other Beast, then the Sum of Four-pence:

For each and every Horse or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of Nine-pence, if such Waggon, Wain, Cart, or other such like Carriage shall

shall be drawn by more than One Horse or other Beast, but if drawn by only One Horse or other Beast, then the Sum of Sixpence :

For every Pair of Millstones, if drawn in Pairs, and for every single Millstone or Block of Stone or Piece of Timber drawn by Five Horses or other Beasts, the Sum of Two Shillings and Sixpence, and if drawn by more than Five Horses or other Beasts, the further Sum of One Shilling for each such Horse or other Beast exceeding that Number, in addition to the said Two Shillings and Sixpence :

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

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

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

And for every Carriage propelled or drawn by Machinery, and not by any Horse or other Beast, such Toll as the said Trustees shall appoint, or One Penny *per* Hundred Weight, at the Option of the Conductor or Driver of such Carriage :

As to the fractional Part 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 hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part ; and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be paid, applied, and disposed of to and for the several Uses, Intents, and Purposes, and in such Manner, as herein-after mentioned.

Tolls to be paid but once a Day at the same Gate.

VIII. And be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse, Beast, or Cattle through any one of such Toll Gates or Turnpikes, or Side Gates, Side Bars, or Chains, on the said Road, such Horse, Beast, or Cattle (except Horses or Beasts drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage, or being let out to Hire, or drawing any Post Chaise or other Carriage let out to Hire as herein-after specified,) shall, upon a Ticket being produced denoting the Payment of such Toll on the same Day (such Day to be computed as aforesaid), be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, Side Bar, or Chain, and also through such other Gate or Gates on the said Road (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day (to be computed as aforesaid).

Horses, &c. drawing Waggon laden with Coal, &c. to pay Toll each Third Time of passing.

IX. Provided always, and be it further enacted, That in case the Toll hereby authorized to be taken shall have been paid for the passing of any Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, laden with Coals, Coke, or Cinders, through any one of such Toll Gates, Turnpikes, or Side Gates, Side Bars, or Chains, such Horse or other Beast shall, upon a Ticket denoting such Payment on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, Side Bar, or Chain, and also through such other Gate or Gates (if any) as the Ticket for such Payment shall free, twice only during the same Day (to be computed as aforesaid), any thing in this Act contained to the contrary thereof in anywise notwithstanding ; but if such Horse or other Beast shall pass through any such Toll Gate, Turnpike,

Turnpike, or Side Gate, Side Bar, or Chain, a Third Time on the same Day (to be computed as aforesaid), such Horse or other Beast shall again be subject and liable to the aforesaid Tolls, to be paid before the same shall be entitled to pass a Third Time as aforesaid, and so *toties quoties* for every Third Time of passing.

X. And be it further enacted, That it shall not be lawful for the said Trustees, or any Person appointed or continued Collector of the Tolls under this Act, to demand or take more than Two full Tolls for the passing of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates erected or to be erected on the said Road in any One Day (such Day to be computed as aforesaid), except as herein is particularly mentioned.

Limiting the Number of Tolls on the whole Line.

XI. Provided always, and be it further enacted, That the Tolls payable for and in respect of Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of such Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Stage Carriage passing or repassing along the said Road: Provided nevertheless, that no further or additional Toll shall be payable in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or other Stage 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 payable for and in respect of any Horse or Beast let out to Hire, or employed in drawing any Post Chaise or other Carriage let out to Hire, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall take place.

Post Chaises on every new Hiring.

XIII. Provided always, and be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for the passing of any Horse, Cattle, or Carriage which shall be going unladen or empty for, or that shall be used only in carrying or conveying, or returning unladen or empty after having been used only in carrying or conveying, Water from an ancient Spring called *Shothouse Spring*, or any Corn, Grain, or Grist to or from any Corn Mill, or for any Horses, Cattle, or Carriage returning unladen after having carried such Corn, Grain, or Grist, such Corn, Grain, or Grist being for private Use only, and not for Sale; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person shall forfeit and pay the Sum of Five Pounds for every such Offence.

Exemption from Toll.

XIV. 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 remaining in the Hands of the Treasurer to the said Trustees, or undisposed of on the Day of the Commencement of this Act, or out of the first Monies to arise by virtue of this Act.

Expences of Act how to be paid.

XV. And be it further enacted, That all the Monies which have been raised and produced or received by virtue of the said Act hereby repealed, and which shall be remaining undisposed of on the Day of the Commence-

Application of Tolls and other Monies.

[Local.]

20 O

ment

ment of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid,) and also the Monies which shall arise and be produced by or from the Tolls in this Act mentioned, together with the Monies which shall be borrowed on the Credit thereof, and all other Monies which shall arise or be produced by virtue thereof, shall be vested in the said Trustees, and shall be applied to and for the several Uses, Intents, and Purposes as hereinafter mentioned; that is to say, in the first place, in the Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, Milestones, or Posts and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act; in the next place, in paying the Interest due and to grow due upon all such Sums of Money as are due and owing upon the Credit of the Tolls arising on the said Road, or which shall be borrowed upon the Credit and Security of the said Tolls, and afterwards in amending, improving, maintaining, repairing, and keeping in repair the said Road, and in otherwise putting this Act into execution; and then in reducing, paying off, and discharging the Principal Sums now due and owing on the Credit of the Tolls granted by the said recited Act on the said Road, or which may hereafter become due and owing on the Credit of the Tolls mentioned in this Act, and to or for no other Use or Purpose whatsoever.

Public Act.

XVI. 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.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.