ANNO SECUNDO

GULIELMI IV. REGIS.

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Cap. iii.

An Act for maintaining and improving the Turnpike Roads leading from *Ashford* to *Buxton*, and from *Tideswell* to *Blackwell*, and from *Edensor* to *Ashford*, all in the County of *Derby*.

[20th *February* 1832.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from* Ashford *to or near to* Buxton *in the County of* Derby: 50G.3.c.171. And whereas another Act was passed in the Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from* Tideswell to Blackwell, *and thence to* Sough Lane, *and also from* Edensor *to* Ashford, *all in the County of* Derby: 52G.3.c.121. And whereas several Sums of Money have been borrowed for the Purposes of the said Acts respectively, and have been secured upon the Tolls by the said Acts respectively authorized to be taken, and still remain due and owing; and the respective Terms granted by the said Acts are near expiring; and the said Roads cannot be maintained in sufficient Repair, nor can the Monies borrowed and now due and owing on the Credit of the Tolls thereby respectively granted be paid off, unless the Term and Powers of the said Acts are enlarged, and the Tolls increased or altered: 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 recited Act passed in the Fiftieth Year of the Reign of King *George* the Third, and the said recited Act passed in the Fifty-second Year of the Reign of King *George* the Third, shall be and the same are hereby declared to be repealed.

Recited Acts of 50 & 52 G. 3. repealed.

This Act to be put in force for repairing the Roads 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, making commodious, and repairing the Road leading from the Town of *Ashford* to or near to the Town of *Buxton*, and passing from, through, to, or into the several Parishes, Townships, Hamlets, or Places of *Ashford*, *Bakewell*, *Sheldon*, *Brushfield*, *Taddington*, *Priestcliff*, *Blackwell*, and *Buxton*, all in the said County of *Derby*, and the Road leading from the Town of *Tideswell* to the aforesaid Road leading from *Ashford* to *Buxton*, at or near the Village of *Blackwell*, and also from the Village of *Edensor* to or near to *Ashford* aforesaid, and passing from, through, to, or into the several Parishes, Townships, Hamlets, or Places of *Tideswell*, *Blackwell*, *Edensor*, *Pilsley*, *Birchill*, *Great Longstone*, *Ashford*, and *Bakewell*, all in the said County of *Derby*.

As to Penalties incurred and Offences committed previous to the passing of 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 Acts or either of them, 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 Acts or either of them, 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 *John Simpson*, Sir *Thomas Denman* Knight, *Richard Arkwright*, *Henry Bowden*, *Thomas Burgoine*, *Robert Bagshaw* junior, *William Broomhead*, *John Browne* Clerk, *John Barker* of *Bakewell*, *John Barker* of *Burre House*, *Henry John Barker*, *William Staden Barker*, *Robert Barker*, *Benjamin Currey*, *John Charge*, *George Cooper*, *John Champion*, *Francis Coates*, *Thomas Cooper*, *William Clay*, *John Doe Denman*, *Michael Ellison*, *Thomas Ellison*, *Matthew Frost* junior, *Thomas Fentem*, *John Frith*, *James Gregory*, *John Gregory*, *John Green*, *George Goodwin*, *Arthur Heathcote Heathcote*, *George Hill*, *Philip Heacock*, *Richard Heyward*, *George Holmes* junior, *Charles Harrison*,

Peter Holme, Joseph Hall, Thomas Knowlton, Thomas Lowe, Thomas Longden, Richard Longden, John Lingard, John Lees, William Longsdon, James Longsdon, Marmaduke Middleton Middleton, Horatio Mason, Henry Mosley, Matthew Roberts, Sydney Smithers, Roger Sheldon, Richard Smith Clerk, *Richard Snibson, .. Spencer* Clerk, *William Thornhill* of *Bradshaw Edge, William Thornhill* of *Stanton, Jonathan Thornhill, Hugh Travis, Robert Taylor, William Townsend, William Henry Thompson, John Vickers, Benjamin Wyatt, William Wyatt, Peter Walthall, John Wright, John Wild, Henry White, Richard White,* and *William Wager*, 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 Roads, and for otherwise putting this Act into execution.

Power to appoint additional Trustees.

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.

First Meeting of Trustees.

VI. And be it further enacted, That the Trustees for executing this Act shall meet at the House of *John Frost*, the Sign of the *Devonshire Arms*, at *Ashford* in the said County of *Derby*, or at some other convenient Place near to the said Roads, on the Day of the Commencement 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 Roads, as they shall think proper.

Power to continue the present Gates, and erect others

VII. 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 take Tolls.

VIII. 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,

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 Roads, 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,)

Tolls. For each and every Horse or other Beast drawing any Coach, Landau, Sociable, Chariot, Curricle, Calash, Berlin, Chaise, Phaeton, Hearse, Stage Coach, Diligence, Van, Caravan, Whiskey, Gig, Chair, or taxed Cart, or any other such like Carriage, any Sum not exceeding Sixpence:

For each and every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage upon Three or Four Wheels, the Fellies of which are of the Breadth of Sixteen Inches or upwards, any Sum not exceeding Four-pence Halfpenny if such Waggon, Wain, or other such like Carriage shall be drawn by Four or more Horses or other Beasts, but if drawn by less than Four Horses or other Beasts, then any Sum not exceeding Three-pence for every such Horse or other Beast:

For each and every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage upon Three or Four Wheels, the Fellies of which are of the Breadth of Nine Inches or under Sixteen Inches, any Sum not exceeding Nine-pence if such Waggon, Wain, or other such like Carriage shall be drawn by Four or more Horses or other Beasts, but if drawn by less than Four Horses or other Beasts, then any Sum not exceeding Sixpence for every such Horse or other Beast:

For each and every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage upon Three or Four Wheels, the Fellies of which are of the Breadth of Six Inches or under Nine Inches, any Sum not exceeding One Shilling if such Waggon, Wain, or other such like Carriage shall be drawn by Four or more Horses or other Beasts, but if drawn by less than Four Horses or other Beasts, then any Sum not exceeding Eight-pence for every such Horse or other Beast:

For each and every Horse or other Beast drawing any Waggon, Wain, or other such like Carriage upon Three or Four Wheels, the Fellies of which are of less Breadth than Six Inches, any Sum not exceeding One Shilling and Sixpence if such Waggon, Wain, or other such like Carriage shall be drawn by Four or more Horses or other Beasts, but if drawn by less than Four Horses or other Beasts, then any Sum not exceeding One Shilling for every such Horse or other Beast:

For each and every Horse or other Beast drawing any Cart, Wain, or other such like Carriage upon Two Wheels, the Fellies of which are of the Breadth of Nine Inches or upwards, any Sum not exceeding Four-pence Halfpenny if such Cart, Wain, or other such like

like Carriage shall be drawn by more than One Horse or other Beast, but if drawn by only One Horse or other Beast, then any Sum not exceeding Three-pence for every such Horse or other Beast:

For each and every Horse or other Beast drawing any Cart, Wain, or other such like Carriage upon Two Wheels, the Fellies of which are of the Breadth of Six Inches and under Nine Inches, any Sum not exceeding Sixpence if such Cart, Wain, 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 any Sum not exceeding Four-pence for every such Horse or other Beast:

For each and every Horse or other Beast drawing any Cart, Wain, or other such like Carriage upon Two Wheels, the Fellies of which are of less Breadth than Six Inches, any Sum not exceeding Nine-pence if such Cart, Wain, 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 any Sum not exceeding Six-pence for every such Horse or other Beast:

For every Pair of Mill Stones if drawn in Pairs, and for every single Mill Stone 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, any Sum not exceeding One Penny Halfpenny:

For every Drove of Oxen, Cows, or other Neat Cattle, any Sum not exceeding One Shilling and Eight-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Sheep, Lambs, Hogs or Swine, any Sum not exceeding Ten-pence *per* Score, and so in proportion for any less Number:

And for every Carriage impelled 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:

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.

IX. 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, Turnpikes, or Side Gates on the said Road from *Ashford* to *Buxton*, or on the said Road from *Tideswell* to *Blackwell*, or on the said Road from *Edensor* to *Ashford*, such Horse, Beast, or Cattle (except Horses drawing any Stage Coach, Diligence, Van, or Caravan, or other Stage Carriage 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, and also through such Second or other Gate or Gates on the said Roads respectively

respectively (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day (to be computed as aforesaid).

Only Two full Tolls to be taken the same Day on the Ashford and Buxton Road, and One full Toll on each of the other Roads.

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 Passage of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates erected or to be erected on the said Road from *Ashford* to *Buxton* aforesaid, nor more than the Amount of One full Toll for the Passage of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates erected or to be erected on that Part of the said Road leading from *Tideswell* to *Blackwell*, nor more than the Amount of One full Toll for the Passage of the same Horse, Beast, Cattle, or Carriage through all the Toll Gates erected or to be erected on that Part of the said Road leading from *Edensor* to *Ashford* aforesaid, in any One Day (such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night).

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

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 Taxed Cart, or other Stage Carriage, passing or repassing along the said Roads: 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.

Horses drawing Post Chaises to pay on every new Hiring.

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

Exemption from Toll.

XIII. And be it further enacted, That no Toll shall be demanded or taken on any of the said Roads for any Cattle or Carriage employed only in carrying Corn to or Grist from the nearest or such other Mill as shall be used by the Owners of such Corn respectively.

Toll Gates to be erected on Branch Roads.

XIV. And be it further enacted, That the said Trustees shall and they are hereby required to erect and continue upon the said Road from *Ashford* to *Buxton* One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, Turnpike or Turnpikes; and upon the said Road from *Tideswell* to *Blackwell* One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, Turnpike or Turnpikes; and upon the said Road from *Edensor* to *Ashford* One or more Toll Gate or Toll Gates, Toll Bar or Toll Bars, Turnpike or Turnpikes; and to demand and take thereat respectively the Tolls by this Act granted, subject to the Provisions of this Act: Provided always, that no Money

arising from any of the Tolls hereby authorized to be collected and taken shall be applied in or towards the Repair of any or either of such Roads upon which there shall not be a Toll Gate or Bar erected or continued under the Authority of the Trustees for carrying this Act into execution: Provided also, that no more of the Monies arising by virtue of this Act shall be laid out or expended upon any or either of such Roads than shall be collected thereon, or borrowed on the Credit of the Tolls collected thereon.

Expences of this Act how to be paid.

XV. 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.

Application of Tolls and other Monies on Ashford, &c. Road.

XVI. 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, for making and maintaining the said Road from *Ashford* to or near *Buxton*, and which shall be remaining and undisposed of on the Day of the Commencement 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, arising on the said Road from *Ashford* to or near *Buxton*, 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, Mile Stones or Posts, and Fences, and for Books, Advertisements, Salaries of Officers, and other Expences incidental to the Execution of this Act on the same Road; 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 same 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 from *Ashford* to or near *Buxton*, and in otherwise putting this Act into execution with respect to the same Road, 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 from *Ashford* to or near *Buxton*, or which may hereafter become due and owing on the Credit of the Tolls arising on the same Road, and to or for no other Use or Purpose whatsoever.

Application of Tolls and other Monies on Tideswell, &c. Road.

XVII. 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, for making and maintaining the said Roads from *Tideswell* to *Blackwell*, and from *Edensor* to *Ashford*, and which shall be remaining and undisposed of on the Day of the Commencement of this Act, (after Payment of such Costs, Charges, and Expences as aforesaid, incidental to the obtaining and passing of this Act,) and

and also the Monies which shall arise and be produced by and from the Tolls in this Act mentioned arising on the said Roads from *Tideswell* to *Blackwell*, and from *Edensor* to *Ashford*, 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 herein-after mentioned; (that is to say,) in the first place, in the 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 Expences incidental to the Execution of this Act, on the same Roads; 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 same Roads, 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 Roads from *Tideswell* to *Blackwell*, and from *Edensor* to *Ashford*, and in otherwise putting this Act into execution with respect to the same Roads, 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 Roads from *Tideswell* to *Blackwell*, and from *Edensor* to *Ashford*, or which may hereafter become due and owing on the Credit of the Tolls arising on the same Roads, and to or for no other Use or Purpose whatsoever.

Public Act.

XVIII. 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 this Act.

XIX. And be it further enacted, That this Act shall commence and take effect from the Second *Tuesday* 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.

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