ANNO TERTIO

GULIELMI IV. REGIS.

Cap. lxxxviii.

An Act for more effectually repairing the Roads from *Brimington* and *Chesterfield* in the County of *Derby* to the *High Moors* in the Parish of *Brampton* in the said County.

[10th *June* 1833.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repairing and widening the Roads from* Brimmington *and* Chesterfield *in the County of* Derby, *over the* High Moors, *to the several Places therein mentioned:* And whereas an Act was passed in the Twenty-sixth Year of the Reign of His said Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Sixth Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for repairing and widening the* '*Roads from* Brimmington *and* Chesterfield *in the County of* Derby, '*over the* High Moors, *to the several Places therein mentioned:*' And whereas an Act was passed in the Fifty-first Year of the Reign of His said Majesty, intituled *An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Roads from* Brimmington *and* Chesterfield *to several Places, all in the County of* Derby: And whereas the Trustees for executing the said Acts have made the said Roads, and have for that Purpose borrowed several Sums of Money upon the Credit of the Tolls by the said Acts respectively granted or continued, which Money still remains owing to the Mort-

6 G. 3. c. 80.

26 G. 3. c. 149.

51 G. 3. c. 112.

gagees of the said Tolls, and cannot be paid off, nor can the said Roads be effectually amended, widened, altered, improved, and kept in repair, unless the Term granted by the said Acts be further continued: And whereas it would tend to the more easy and effectual Repair of the said Roads if the said Acts were repealed, and further and other Powers granted in lieu thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please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,

Recited Acts repealed;

That from and after the passing of this Act the said Acts of the Sixth, Twenty-sixth, and Fifty-first Years of the Reign of His late Majesty King *George* the Third shall be and the same are hereby declared to be repealed.

and this Act to be put in execution.

II. And be it further enacted, That from and after the passing of this Act, 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 the said Roads from *Brimington* and *Chesterfield* aforesaid to the *High Moors* in the Parish of *Brampton* aforesaid.

Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the said County of *Derby*, together with *William Bagshaw* Clerk, *John Barker*, *John Henry Barker*, *John Gorell Barnes*, *William Barnes*, *George Hodgkinson Barrow*, *William Battison*, *David Battison*, *George Bland*, *William Booker*, *Alexander Crawford Bromehead* Clerk, *Alexander Crawford Bromehead* the younger, *Peter Pegge Burnell*, *Benjamin Burbeary*, *John Charge*, *Charles Clayton*, *John Clayton*, *D'Ewes Coke*, *John Coke*, *Francis Lilliman D'Ewes Coke*, *John Cruso*, *Francis Cruso*, *Henry Dixon*, *William Drabble*, *John Drabble*, *Samuel Dutton*, *Francis Frith*, *Edward Fox*, *William Gauntly*, *Joseph Gratton* of *Chesterfield*, *Joseph Gratton* of *Thornfield*, *John Gratton*, *William Hardwick*, *George Harker*, *George Haslehurst*, *Edward Heathcote* Clerk, *Godfrey Heathcote*, *John Heywood*, *Anthony Heywood*, *William Howard*, Sir *Henry John Joseph Hunloke* Baronet, *James Hunloke*, *George Jenkinson*, *William Johnson*, *Arnold John Knight* Doctor of Medicine, *Samuel Lancaster*, *James Lingard*, *Bernard Lucas*, *Thomas Lucas* Clerk, *Bernard Maynard Lucas*, *John Lowe*, *Robert Malkin*, *Henry Malkin*, *Charles Hughes May*, *John Meynell*, *Thomas Milnes Smith Milnes*, *George Mower*, *Robert Nall*, *Robert Nall* the younger, *John Owen*, *Samuel Collis Owtram*, *William Pashley* Clerk, *Robert Penistone*, *John Read*, *John Roberts*, *Herbert Rodgers*, *Robert Newton Shawe*, *John Shaw*, *James Shemwell*, *Samuel Shore*, *Bohun Shore*, *Offley Shore*, *Adam Barker Slater*, *Alexander Slater*, *William Smith* Clerk, *Robert Edmund Mower Smith*, *John Smith* Clerk, *Richard Smith* Clerk, *Courtenay Smith* Clerk, *Albert Smith*, *Richard Stanley*, *Edward Valentine Steade*, *Charles Steade*, *Wotton Byrchinshaw Thomas*, *William Munnings Thomas*, *John Walker*, *William Waller*, *John Waterfall*, *Samuel Wilcockson*, *Thomas Wilcockson*, *George Yeldham Ricketts Wilkinson*, *John Wood* Clerk, *William Woollen*, and *William Wright*,

Wright, and their Successors, (being duly qualified in the Manner directed by the General Turnpike Acts,) shall be and they are hereby appointed the Trustees for repairing, altering, widening, and improving the said Roads, and for otherwise putting this Act into execution.

First Meeting of Trustees.

IV. And be it further enacted, That the said Trustees shall meet at the *Commercial* Inn in *Chesterfield* aforesaid, or at any other convenient House or Place on or near to the said Roads, on the Fourth *Tuesday* next after the passing of this Act, and proceed to put this Act into execution.

Power to appoint additional Trustees.

V. And be it further enacted, That it shall be lawful for the said Trustees, at their First or any other Meeting to be held under or by virtue of this Act, to elect, nominate, and appoint any Number of fit and proper Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act and of the said General Turnpike Acts, 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 General Turnpike Acts) shall be and they are hereby invested with the same Powers and Authorities for executing the same and this Act as if they had been hereby named and appointed.

Power to continue and remove Toll Gates, &c.

VI. 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 and 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, and also Weighing Machine or Weighing Machines, in, upon, across, or by the Side of such Parts and in such Places of the said Roads by this Act directed to be widened, improved, or kept in repair, as they the said Trustees shall think proper and expedient, and from Time to Time again to remove the same Toll Gates, Toll Houses, and Weighing Machines, and to alter the Situations thereof respectively, and to build and erect another or other Toll Gates, Toll House, or Weighing Machine in lieu and instead of any Toll Gate, Toll House, or Weighing Machine which shall be removed.

Power to take Tolls.

VII. 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, or any Collector or Collectors, 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, and which shall by virtue of this Act be continued, and at all such other Gates or Bars as may hereafter be erected on, upon, or across the said Roads, or on, upon, or across the Sides thereof; (that is to say,)

Tolls.

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

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage (drawn by One or more Horses), having the Soles

Soles or Fellies of the Wheels of the Breadth or Gauge of Nine Inches or upwards, the Sum of Two-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage (drawn by One or more Horses), having the Sole or Fellies of the Wheels of the Breadth or Gauge of Six (and under Nine) Inches, the Sum of Three-pence Halfpenny:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage (drawn by One or more Horses), having the Sole or Fellies of the Wheels of the Breadth or Gauge of Four and a Half (and under Six) Inches, the Sum of Five-pence:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or Carriage (drawn by more than One Horse, and having the Sole or Fellies of the Wheels of less Breadth than Four and a Half Inches), the Sum of Five-pence; but if drawn by One Horse only, the Sum of Sixpence for such One Horse:

For every Horse, Mule, Ass, or Beast of Burden (not drawing), the Sum of Three Halfpence:

For every Drove of Oxen, Cows, or 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:

And for every Carriage, Machine, or Caravan, of whatever Description, not drawn by any Horse or other Beast, but propelled or moved by Steam, Gas, or any other kind of Machinery, the Sum of Two Shillings and Sixpence:

Tolls, &c. vested in Trustees.

And the said Tolls, Toll Houses, and Toll Gates shall be respectively vested in the said Trustees; and the said Tolls shall be demanded and taken before any Horse, Mule, or other Beast, Coach, Waggon, Cart, or other Carriage, or any Oxen or Neat Cattle, Calves, Hogs, Pigs, Sheep, or Lambs, shall be permitted to pass through any Toll Gate erected or to be erected by virtue of this Act, or upon or by the Side of the said Roads: Provided always, that no more than Two Tolls shall be demanded or taken upon the whole Line of the said Roads from *Brimington* aforesaid, or from *Chesterfield* aforesaid, to the *High Moors*, nor more than One Toll between the *Ashgate* and *Baslow* Turnpike Road and Two certain Toll Bars called *Key Green* and *Upper Newbold* Bars, or between the Township of *Barlow* and the Town of *Chesterfield:* Provided further, that no Horse or other Cattle drawing any Cart or other Carriage shall be allowed to pass through any Toll Gate upon the said Roads more than Four Times upon the same Day before Twelve of the Clock at Night for the Payment of One Toll; (that is to say,) Twice when going and Twice when returning; but not more than Two full Tolls to be paid on one and the same Day at one and the same Toll Bar.

Limiting the Number of Tolls.

No Person to go and return more than Twice for One Toll.

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

VIII. And be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast drawing any Stage Coach, Caravan, Stage Waggon, or other Carriage conveying Passengers or Goods for Hire or Reward, each Time of passing through any of the said Gates: Provided nevertheless, that no further or additional Toll shall be payable in respect of the Horses or other Beasts drawing any such Stage Coach, Caravan, Stage Waggon, or other Stage

Carriage, on account only of the Horses or other Beasts drawing the same having been changed.

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

IX. Provided always, and be it further enacted, That the Tolls hereby made payable shall be paid for every Horse or other Beast let out to Hire, and drawing any Post Chaise or other Carriage, for each Time of passing along the said Road whenever any new or fresh Hiring thereof shall take place.

Steam Carriages to pay every Time of passing and repassing.

X. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of any Carriage propelled or moved by Steam, Gas, Machinery, or any other like Means, shall be paid every Time of passing and repassing of such Carriage along the said Road.

Application of Tolls and other Monies.

XI. 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 upon the said Roads, 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 improving 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 exercising the other Purposes of this Act, and in reducing, paying off, and discharging the several Principal Sums of Money and Interest which have been borrowed and secured in pursuance and for the Purposes of the said Acts hereby repealed in respect of the said Roads, and also the several Principal Sums which shall be hereafter borrowed and secured by virtue of this Act: Provided always, that none of the Tolls authorized by this Act to be taken upon the said Roads, nor any of the Monies raised by virtue of the said recited Acts or to be raised by virtue of this Act, shall be paid, laid out, and expended in the Repair or Improvement of any Street, Highway, or Place within the Town of *Chesterfield*.

No Money to be expended in repairing Streets.

As to the fractional Part of a Halfpenny in Tolls.

XII. 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 any of the Tolls hereby granted and authorized, the full Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

One-horse Carts may be weighed.

XIII. And whereas it frequently happens that Carts passing on the said Roads with Wheels of less Breadth than Four Inches and a Half

at the Bottoms or Soles thereof, drawn by One Horse, carry Weights which are very injurious and oppressive to the said Roads, and it is probable that such Practice may be continued; be it therefore further enacted, That all such Carts passing along the said Roads shall and may be weighed at any Weighing Machine now erected or hereafter 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 with Wheels of less Breadth than Four Inches and a Half drawn by more than One Horse; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse shall be applicable to Carts passing on the said Roads with such Wheels as aforesaid drawn by One Horse only, and to the Drivers, Masters, and Owners thereof respectively; and no such Cart or Carriage drawn by One Horse as aforesaid shall, with the Loading thereof, weigh more than One Ton Five Hundred Weight in Summer (to be computed from the First Day of *May* to the Thirty-first Day of *October*), or than One Ton in Winter (to be computed from the Thirty-first Day of *October* to the First Day of *May*), or such Drivers, Masters, or Owners thereof shall be liable to pay such additional Tolls or Penalties for Overweight as are now by Law payable or recoverable for or in respect of such Carts or Carriages drawn by more than One Horse.

Public Act.

XIV. 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.

XV. And be it further enacted, That this Act shall commence and take effect from and after the passing thereof, and shall continue and be in force and be executed 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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