



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. cxxx.

An Act for more effectually repairing the Road from *Ashborne* in the County of *Derby* to a Messuage or Public House in the Occupation of *John Frost*, near *Belpar Bridge*, in the said County of *Derby*.
[17th June 1830.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for widening and repairing the Road leading from Ashborne in the County of Derby, over Belpar Bridge, to the present Turnpike Road from Sheffield and Chesterfield to Derby at or near a Place called Openwood Gate, and from Belpar Bridge to Ripley, in the said County of Derby*: And whereas another Act was passed in the Twenty-fifth Year of the Reign of His said late Majesty, intituled *An Act for enlarging the Term and Powers of an Act made in the Fourth Year of the Reign of His present Majesty, intituled 'An Act for widening and repairing the Road leading from Ashborne in the County of Derby, over Belpar Bridge, to the present Turnpike Road from Sheffield and Chesterfield to Derby at or near a Place called Openwood Gate, and from Belpar Bridge to Ripley, in the County of Derby:'* And whereas another Act was passed in the Forty-seventh Year of the Reign of His said late Majesty, intituled *An Act to continue and amend Two Acts made in the Fourth and Twenty-fifth Years of His present Majesty, for repairing the Road from Ashborne in the County of Derby, over Belpar Bridge, to the present Turnpike Road from Sheffield and Chesterfield*
[Local.] 38 C to

4 G. 3. c. 82.
25 G. 3. c. 121.
47 G. 3. c. 3.

to Derby at or near a Place called Openwood Gate, and from Belpar Bridge to Ripley, in the County of Derby: And whereas by virtue and under the Authority of the said Acts the Trustees have made great Progress in the Execution thereof, and have borrowed considerable Sums of Money upon the Credit of the Tolls and Duties thereby granted, but find that the said Roads cannot be effectually amended, widened, and kept in repair, nor the Monies now owing repaid, unless the Terms of the said Acts are continued, the Tolls increased, and further Powers granted: 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 from and after the First Monday after the passing of this Act the said recited Acts of the Fourth, Twenty-fifth, and Forty-seventh Years of the Reign of His late Majesty King George the Third shall be and the same are hereby repealed.

Recited
Acts re-
pealed.

This Act to
be put into
execution
for the Pur-
poses herein
mentioned.

II. And be it further enacted, That this Act shall from the said First Monday commence and take effect and be put in execution for and during the Term hereinafter mentioned, for the Purpose of more effectually repairing, amending, widening, improving, and keeping in repair the Road leading from *Ashborne* in the County of *Derby* to a Messuage or Public House in the Occupation of *John Frost*, near *Belpar Bridge*, in the said County of *Derby*.

Trustees
nominated.

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*, together with *John Adsetts*, *John Adsetts junior*, *William Alsop*, Sir *William Boothby* Baronet, Sir *Matthew Blakiston* Baronet, *Brook William Robert Boothby*, the Reverend *Jervase Brown*, the Reverend *Paul Belcher*, the Reverend *George Belcher*, the Reverend *German Buckston*, *John Beresford*, *Anthony Beresford*, *Joseph Bradley*, *Thomas Lowe Bradley*, *Septimus Bradley*, *John Buxton*, *Samuel Buxton*, *John Brittlebank*, *Thomas Fynney Beighton*, *John Blackwall* of *Blackwall*, *John Balguy*, *John Balguy junior*, *Benjamin Barber*, *John Barber*, *Joseph Bourne*, *William Bourne*, *William Barber Clerk*, *Edward Corden*, *John Douglas Cooper*, *Edward Soresby Cox*, *John Cox*, *Thomas Cox*, *Roger Cox*, *John Crompton*, *John Bell Crompton*, *Gilbert Crompton*, *Sir Charles Colville*, *Robert Cresswell*, *Robert Dale*, *Thurston Dale the elder*, *Thurston Dale the younger*, *Samuel Dawson*, *William Eches*, *David Evans*, Sir *Henry Fitzherbert* Baronet, *William Fitzherbert*, *Richard Henry Fitzherbert*, *William Fletcher the elder*, *William Fletcher the younger*, *John Frost*, *William Greaves M. D.*, *Charles Spren- gal Greaves*, *Spencer Greaves*, *Francis Greensmith*, *Thomas Greensmith*, *Court Granville*, *Bernard Granville*, *William Gould*, *Thomas Gould*, *Francis Goodwin*, the Reverend *Henry Goodwin*, *Robert Dacksey Goodwin*, *Francis Green Goodwin*, *John Harrison of Snelston*, *Christopher Harland*, *Charles Harland*, *Edward Harland*, *Robert Hurd*, *Thomas Hartshorn*, *Robert James Hartshorn*, *John Harrison Clerk*, *Robert Holden*, *Robert Holden the younger*, *William Drury Holden*, *Atkinson Alexander Holden*, *John Harrison*, *William Hunter*, *Charles Vickers Hunter*, *Abraham Newham Harrison*, *Thomas Haslam*, *Thomas Harrison*, *Benjamin*

*jamin Oakes Houghton, Samuel Harvey junior, Francis Hurt, Francis Hurt junior, John Goodwin Johnson, John Goodwin Johnson the younger, Sir Richard Paul Jodrell Baronet, Thomas Ingle, Thomas Kirkham, William Jeffery Lockett, William Lockett, John Longden, Joseph Lynam, Godfrey Litchfield, Godfrey Meynell, Thomas Maskery, Joseph Malin, George Malin, John Mason, William Mason, John Mold, Charles Mold, Henry Mold, William Melbourne, John Williams Melbourne, William Peach, Jesse Watts Russell, James Riddlesden, Thomas Rowbotham, John Rowbotham, the Reverend Samuel Shipley, William Smith the elder, William Smith the younger, Thomas Smith, Daniel Smith, William Sutton, Isaac Statham, William Statham, Richard Statham, William Slater, Samuel Slater, Thomas Smith, William Strutt, George Benson Strutt, Joseph Strutt, Edward Strutt, Jedediah Strutt, Anthony Radford Strutt, John Strutt, James Swettenham, Gervase Spendlove, John Tomlinson, William Topliss, Matthew Tunstall Clerk, Henry Turner, John Turner, Mark Anthony Whyte, Edward Cheney Winslow, Thomas Wise, Edward Walker, William Webster, the Reverend William Webster, Edward Webster, Charles Webster, William Webster of Biggin, John Wood, John Whitham, William Whittaker, Thomas Walker, Samuel Ward, John Ward, William Ward, and William Henry Wayne Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for carrying into execution this Act and the several Acts in force relating to Turnpike Roads in *England*.*

IV. And be it further enacted, That it shall be lawful for the Trustees appointed by this Act, at any Meeting from Time to Time to be held for that Purpose, (of which Meeting and of the Purpose thereof Fourteen Days Notice shall be given, as is directed by the Acts in force relating to Turnpike Roads in *England* respecting the Appointment of Trustees on Vacancies,) to elect, nominate, and appoint any Number of fit Persons, being duly qualified to act as Trustees of Turnpike Roads in *England*, (not exceeding Three in the whole,) to be Trustees for the Purposes of this Act, in addition to the Trustees hereby nominated and appointed; and such Trustees so elected and appointed shall be and they are hereby invested with the same Powers and Authorities as if they had been named and appointed by this Act.

Power to
appoint ad-
ditional
Number of
Trustees.

V. And be it further enacted, That the said Trustees shall meet at the *Marquis of Granby* Inn in the Town of *Ashborne*, or at some other convenient House in the Town of *Ashborne*, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Morning and Four in the Afternoon, and shall then and there proceed to put the several Acts in force relating to Turnpike Roads in *England* and this Act into execution, and shall and may then, and at all subsequent Meetings to be held for the Purposes of this Act, from Time to Time adjourn to and meet at such Times and Places respectively, on or near the said Roads, as they shall think proper; and if at any of the said Meetings the Trustees present shall not adjourn such Meeting to another Day, it shall be lawful for any Three of the said Trustees, although not assembled at a Meeting, or their

First Meet-
ing of Trus-
tees.

their Clerk or Clerks by their Order, to call a Meeting of the said Trustees at any Place on or near the said Roads, to transact general Business; such Meeting to be called by Public Notice to be inserted in some Newspaper usually circulated in the County of *Derby*, and to be held not sooner than Ten nor exceeding Twenty-one Days from the Day of such Notice being given.

Power to
take Tolls.

VI. And be it further enacted, That the respective Tolls following shall (subject to the Provisions, Restrictions, and Exemptions contained in this Act, and in the several Acts in force relating to Turnpike Roads in *England*;) be demanded and taken at each and every Turnpike, Toll Gate and Side Gate, Chain or Chains, now set up and continued, or which shall hereafter be set up, upon, across, or by the Side of the said Road, by this Act directed to be widened, improved, and kept in repair, or any Part thereof, before any Horse, Mule, Ass, Beast, or other Cattle whatsoever, Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through any such Turnpike, Toll Gate, Side Gate, Side Bar, or Chain; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Landau, Barouche, Chariot, Curricule, Berlin, Phaeton, Chaise, Calash, Hearse, Gig, Chair, or other such like Carriage, the Sum of Sixpence:
 For every Horse or other Beast drawing any Waggon, Wain, Dray, Cart, Caravan, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or more, the Sum of Four-pence; and in case the Fellies of the Wheels thereof are of less Breadth than Six Inches, and not more than Four and a Half Inches, the Sum of Sixpence; and in case the Fellies of the Wheels thereof are of less Breadth than Four and a Half Inches, the Sum of Nine-pence:
 For every Horse or other Beast drawing any Van, Caravan, or other such Four-wheeled Carriage used for the Conveyance of Goods for Hire, Pay, or Reward, and built and constructed with Springs, the Sum of Nine-pence:
 For every Horse or other Beast drawing any Van, Caravan, or other such Four-wheeled Carriage used for the Conveyance of Goods for Hire, Pay, or Reward, and built and constructed with Springs, the Fellies of which Wheels shall roll upon a Surface of not less than Six Inches, so constructed as not to deviate more than One Quarter of an Inch from a flat or level Surface, the Sum of Sixpence:
 For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny:
 For every Drove of Oxen, Cows, 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, Sheep, Lambs, or Swine, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number.

Tolls to be
paid only
once a Day.

VII. And be it further enacted, That in case the Toll hereby imposed for or in respect of any Horse, Beast, Cattle, or Carriage shall have been paid on passing through any of the Turnpikes, Toll Gates or Side Gates, Chain or Chains, now erected and continued,
 or

or hereafter to be erected, upon, across, or on the Sides of the Road by this Act directed to be widened, improved, and kept in repair, no such Horse, Beast, Cattle, or Carriage shall be subject or liable to any Toll for returning, passing, or repassing through the same Turnpike, Toll Gate, or Side Gate the same Day before Twelve of the Clock at Night, but upon the Production of a Note or Ticket denoting the Payment of such Toll shall (except in the Cases hereinafter mentioned) be permitted to pass through such Turnpike, Toll Gate or Side Gate, Chain or Chains, Toll-free; which Note or Ticket (such Tickets to specify the Gate freed by such Payment) the Collectors of the Tolls are hereby respectively required, on Demand, to give, *gratis*, on Receipt of the Toll.

VIII. And be it further enacted, That it shall not be lawful to and for the said Trustees to take and demand more than Two whole Tolls and a Half for or in respect of any Horse, Beast, Cattle, or Carriage passing or repassing the same Day through all the Turnpikes, Toll Gates, Side Gates, or Chains now erected or continued, or hereafter to be erected, upon, across, or by the Sides of the Road by this Act directed to be widened, improved, and kept in repair, but on the Production of a Note or Ticket, Notes or Tickets, denoting the Payment of such Tolls (which Notes or Tickets the Collectors of the Tolls are hereby required, on Demand, to give, *gratis*, on the Receipt of such Tolls,) such Horse, Beast, Cattle, or Carriage shall pass and repass Toll-free during such Day through all the said Turnpikes, Toll Gates, Side Gates, or Chains.

Limiting the Number of Tolls.

IX. Provided always, and be it further enacted, That no Horse or Horses, or other Beast or Beasts of Draught, for which Toll shall have been paid at any of the said Turnpikes, Toll Gates, or Side Gates, returning the same Day through the same Turnpikes, Toll Gates, or Side Gates, or any of them, drawing any other or different Waggon, Wain, Cart, or other such Carriage, shall be permitted to repass Toll-free.

Horses, &c. drawing different Carriages to pay each Time of passing.

X. Provided also, and be it further enacted, That for and in respect of all Horses and other Beasts of Draught drawing any Stage Coach, Stage Waggon, Van, Caravan, Cart, or other Carriage carrying Passengers or Goods for Payment, Hire, or Reward, for which Tolls shall have been paid at any such Toll Gate, Turnpike, Side Gate, or Chain as aforesaid, and which shall return through the same on the same Day, the respective Tolls hereinbefore mentioned and made payable shall be paid for every Time both of passing and repassing through every such Toll Gate, Turnpike, Side Gate, and Chain, in like Manner as if no Toll had before been paid thereat.

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

XI. And be it further enacted, That the respective Tolls hereinbefore mentioned and made payable shall be paid for or in respect of all Horses and other Beasts of Draught travelling for Hire and drawing any Post Chaise or other Carriage, for every Time of passing and repassing along the said Road, as often as a fresh Hiring thereof shall take place.

Post Chaises to pay on every fresh Hiring.

[Local.]

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XII. And

Exemption
from Tolls.

XII. And be it further enacted, That none of the Tolls hereby authorized to be taken shall be demanded, taken, or received at any of the Turnpikes, Toll Gates, Side Gates, Chain or Chains erected and continued, or to be erected, upon, across, or by the Sides of the said Road, for any Horse, Beast, or other Cattle drawing any Waggon, Cart, or other Carriage used or employed in carrying or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Dung, Soil, Marl, Compost, or Manure (except Lime) for improving Lands, or any Gravel, Stones, Timber, Sand, or other Materials for the building, rebuilding, or repairing of any present or future Bridge, Toll House, or Toll Gate, now erected and continued, or hereafter to be erected, on the said Road; and if any Person shall claim and take the Benefit of any Exemption in this Act contained, not being entitled to the same, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the Proof of the Right of such Exemption shall be on the Person claiming the same.

No Exemption allowed in respect of Carriages having the Nails of the Tire projecting more than One Quarter of an Inch, or Wheels of less Breadth than Four and a Half Inches.

XIII. Provided also, and be it further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-one, no Exemption from any of the Tolls by this Act or by any other Act or Acts granted shall be allowed for or in respect of any Horse, Beast, or Cattle drawing any Waggon, Cart, or other Carriage laden with any Materials for making or repairing any Highway, or for building, rebuilding, or repairing any Bridge, or with any Dung, Soil, Compost, or Manure for improving Lands, or with Ploughs, Harrows, or Implements of Husbandry, or Hay, Straw, or Fodder for Cattle, or Corn in the Straw, Potatoes, or other Agricultural Produce, such Cart or other Carriage having the Nails of the Tire of the Wheels thereof projecting more than One Quarter of an Inch above the Surface of such Tire, or having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half.

One Horse Carts may be weighed.

XIV. And whereas it frequently happens that Carts drawn by One Horse, passing along the said Road, carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore enacted, That all Carts passing along the said Road, drawn by One Horse only, shall be allowed to carry Thirty Hundred Weight in Summer, and Twenty-five Hundred Weight in Winter, including in each Case the Weight of such Carts, and no more; and all such Carts passing along the said Road shall and may be weighed at any Weighing Machines now erected or hereafter to be erected on the said Road, 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 drawn by Two or more Horses; and all the Powers, Regulations, Penalties, Matters, and Things now in force relating to the weighing of Carts drawn by more than One Horse shall be applicable to Carts passing on the said Road drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

XV. 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 the Tolls hereby granted and authorized, or any of them, the Sum of One Halfpenny shall be demanded, paid, and taken in lieu of such fractional Part.

Fractional Part of a Halfpenny in Tolls.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to take or demand more than one full Toll, either in one full Sum at one Gate or in fractional Parts at several Gates, for or in respect of any Horse, Beast, Cattle, or Carriage passing or repassing on the same Day through any of the Turnpikes, Toll Gates, Side Gates, or Chains now erected or continued, or hereafter to be erected, upon, across, or by the Sides of the said Road, between a Messuage and Wheelwright's Shop in the Possession of *John Osbiston*, situate near the East End of *Turnditch Bridge* and the Termination of the said Road near *Belpar Bridge* aforesaid, but that a Note or Ticket or Notes or Tickets being produced denoting the Payment of such Toll (which Notes or Tickets the Collectors of the Tolls are hereby required, on Demand, to give, *gratis*, on the Receipt of such Toll), such Horse, Beast, Cattle, or Carriage shall pass Toll-free during such Day through the other Turnpike or Turnpikes, Toll Gate or Toll Gates, Side Gates, or Chains, erected or continued, or hereafter to be erected, between the Places aforesaid.

One Toll only to be taken between Turnditch Bridge Gate and the Termination of the Road near Belpar Bridge.

XVII. 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 recited Acts hereby repealed, and which on the Day of the Commencement of this Act shall be remaining undisposed of, and also the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which shall be borrowed upon the Credit of such Tolls, and all other Monies which shall arise or be produced by virtue of this Act, shall be applied to and for the several Uses, Intents, and Purposes, and in Order and Manner following; that is to say, in the first place, in Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, or otherwise relating thereto, with Interest for the same; secondly, in paying and discharging all the Interest which shall from Time to Time be owing to any Mortgagee or Mortgagees of the Tolls or Duties payable on the said Road by this Act directed to be widened, improved, and kept in repair, and the Interest of all other Monies advanced and lent for the Purposes of the said recited Acts, and now due and owing on account of the said Roads; thirdly, in defraying the Expences of diverting, widening, improving, and repairing the same Road, and of erecting, obtaining, and repairing Toll Gates, Turnpikes, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of such Roads, and otherwise in executing the Purposes of this Act, subject to the Proviso hereinafter mentioned; and lastly in reducing, paying off, and discharging the several Principal Sums which have or shall have been borrowed and secured in pursuance of and for the Purposes of the said recited Acts hereby repealed, or either or any of them, and all other Principal Monies advanced and lent for

Application of Monies.

for the Purposes of the said recited Acts, and now due and owing on account of the said Roads, and also the several Principal Sums of Money which shall or may be hereafter borrowed and secured by virtue or for the Purposes of this Act.

Persons may
make Rail-
ways across
the Road.

XVIII. And be it further enacted, That the Owners and Occupiers of any Collieries situate in any of the Parishes through which the Roads pass shall have Power and Authority to lay Railways across the said Road from any Colliery situate as aforesaid, for the Purpose of conveying Coal to any Canal, Wharf, or other Place, for the Sale or Delivery thereof, provided the Flanches of the Rails do not rise or sink more than Three Fourths of an Inch above or below the Surface.

No more
Money to be
expended on
each Road
than is col-
lected
thereon.

XIX. And be it further enacted, That no more Toll shall be laid out or expended on the said Road between the House in the Occupation of *John Frost*, near *Belpar Bridge*, and the Toll House on the said Road called the *Turnditch Bridge Gate*, than shall be collected and received upon the said Road between the said last-mentioned Gate and the said House in the Occupation of the said *John Frost*; and that no more Toll shall be laid out or expended on the said Road between the Town of *Ashborne* and *Turnditch Bridge Gate* aforesaid than shall be received and collected on the said Road between the Town of *Ashborne* and the said *Turnditch Bridge Gate*, both inclusive.

Public Act.

XX. 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.

Commence-
ment and
Continuance
of Act.

XXI. And be it further enacted, That this Act shall commence upon the First *Monday* after 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.