



ANNO UNDECIMO

# GEORGII IV. REGIS.

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## *Cap. xci.*

An Act for more effectually repairing and improving the Road from *Temple Normanton* to *Buntingfield Nook* in the County of *Derby*, and the Road from *Tupton Nether Green* to *Stubbing Edge Lane* and *Knot Cross* in the said County.

[29th May 1830.]

**W**HEREAS 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 Road from the Mansfield and Chesterfield Turnpike Road, near the Nine Mile Stone from Mansfield, through Temple Normanton, Tupton new Inclosure, and Birkin Lane, to Buntingfield Nook in the Parish of Ashover in the County of Derby*: And whereas an Act was passed in the Twenty-eighth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of an Act passed in the Sixth Year of the Reign of His present Majesty King George the Third, for repairing and widening the Road from the Mansfield and Chesterfield Turnpike Road, near the Nine Mile Stone from Mansfield, through Temple Normanton, Tupton new Inclosure, and Birkin Lane, to Buntingfield Nook in the*

6 G. 3. c. 87.  
28 G. 3. c. 89.

[Local.] 28 P Parish

48 G. 3. c. 38. *Parish of Ashover in the County of Derby*: And whereas an Act was passed in the Forty-eighth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to continue the Term and alter the Powers of Two Acts, for repairing the Road from the Mansfield and Chesterfield Turnpike Road to Buntingfield Nook, in the County of Derby; and for making a new Road from Tupton Nether Green to Stubbing Edge Lane and Knot Cross, in the said County*: And whereas the Trustees acting under and by virtue of the said recited Acts have proceeded to put the same into execution, and have made great Progress in making, amending, widening, altering, and improving the said Roads, for which Purpose they have borrowed several considerable Sums of Money upon the Credit of the Tolls thereby granted and continued, which Money still remains due and owing, and cannot be paid off, or the Interest thereof discharged, nor can the said Roads be effectually amended, widened, improved, and kept in repair, unless the Term granted and continued by the said recited Acts be further continued; and it would be more convenient to the said Trustees and beneficial to the said Roads if the said Acts were repealed, and if further, better, and more effectual Powers were granted instead thereof: And whereas the said Trustees have not proceeded in the Execution of the Powers granted by the said last-recited Act, given to them for making a new Road from *Tupton Nether Green to Stubbing Edge Lane and Knot Cross*, further than in making the said Road from *Tupton Nether Green* aforesaid to *Stubbing Edge Lane End*, but it would be of great Advantage and Convenience to the said Trustees and to the Public in general if the Powers granted by the said last-recited Act were continued for making the same Piece of Road from *Stubbing Edge Lane* to *Knot Cross* aforesaid; but the Purposes aforesaid 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, That upon the Day of the Commencement of this Act the said recited Acts passed in the Sixth, Twenty-eighth, and Forty-eighth Years of the Reign of His said late Majesty King George the Third, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Recited Acts repealed.

This Act to commence for the Purposes herein mentioned.

II. And be it further enacted, That this Act shall from thenceforth be put in execution, for and during the Term herein-after mentioned, for the Purpose of making, amending, improving, maintaining, and keeping in repair the Road from the *Mansfield and Chesterfield Turnpike Road*, near the Nine Mile Stone from *Mansfield*, through *Temple Normanton, Tupton Nether Green, and Birkin Lane*, to *Buntingfield Nook* in the Parish of *Ashover* in the County of *Derby*; and the Road branching out of and from the said Turnpike Road at or near *Tupton Nether Green*, by *Britton Wood*, to and as far as the *Mansfield and Kelstidge Turnpike Road*, so as to join the same at or near the Bottom of *Stubbing Edge Lane*; and from the said last-mentioned Turnpike Road to a Place called *Knot Cross*, in the Parish of *Ashover* aforesaid.

III. 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 *James Abercrombie*, *Richard Arkwright* the younger, *Peter Arkwright*, *Frederick Arkwright*, *John Alsop* the younger, *Luke Alsop*, *John Gorell Barnes*, *John Barker*, *William Bagshaw* Clerk, *John Bunting*, *James Bownes*, *John Bright* Doctor of Physic, *John Brocksopp*, *John Charge*, *John Tatton Cartledge*, *George Carwood*, *Josiah Claughton*, *John Chambers*, *Benjamin Chambers*, *Gilbert Crompton*, *John Wilkinson Clay*, *William Clay*, *Richard Clay*, *John Dutton*, *Samuel Dutton*, *George Fletcher* Doctor of Physic, *Philip Gell*, *Charles Dakeyne Gladwin*, *John Gratton*, *Joseph Gratton* of *Chesterfield*, *Joseph Gratton* of *Newbold*, *Richard Gregory*, *Sir Henry John Joseph Hunloke* Baronet, *James Hunloke*, *Thomas Hallows*, *Edward Heathcote* Clerk, *Godfrey Heathcote*, *George Holcombe* Doctor in Divinity, *Francis Hurt*, *Francis Hurt* the younger, *Richard Roundel Hurwood*, *Immanuel Halton* Clerk, *John Hodgkinson*, *Joshua Jebb*, *Joshua Jebb*, *Bernard Lucas*, *Bernard Maynard Lucas*, *Thomas Lowndes*, *William Palmer Morewood*, *William Milnes*, *John Milnes*, *James Milnes*, *Charles Milnes*, *Robert Malkin*, *Henry Malkin*, *Marmaduke Middleton* *Middleton*, *Robert Milward*, *John Mugliston*, *George Mugliston*, *Edmund Gilling Maynard*, *William Edward Nightingale*, *Joseph Nodder* Clerk, *John Nuttall*, *George Nuttall*, *Thomas Oldham*, *John Oldham*, *John Prince*, *John Rooth*, *Benjamin Rooth*, *John Rodgers*, *Herbert Rodgers*, *William Robinson*, *James Robinson*, *Thomas Radford*, *Edward Radford*, *Adam Barker Slater*, *Jonathan Stokes* Doctor of Physic, *Lawrence Short* Clerk, *John Robert Sharpe*, *Ebenezer Smith*, *Thomas Milnes Smith*, *William Smith* Clerk, *Edmund Smith*, *William Stubbing*, *William Turbutt*, *Richard Burrow Turbutt* Clerk, *Wotton Byrchinshaw* *Thomas*, *John Twigg*, *Joseph Twigg*, *Isaac Wilkinson*, *William Wright*, *John Wood* Clerk, *Robert Wood*, *Hugh Wood* Clerk, *John Slater Wilkinson*, 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 this Act into execution.

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 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.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the House known by the Sign of the *White Lion* in *Ashover*, aforesaid, or at some other convenient Place on the Line of the said Roads, on the Second *Thursday* next after the Commencement of this Act, or as soon after as conveniently may be, and proceed to put this Act into execution, and shall and may then and from Time to Time afterwards adjourn and meet at such Time

Time and Times, and at such Place or Places in the Neighbourhood of the said Roads, as the said Trustees shall think proper and appoint; 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 Clerk by their Order, to call a Meeting of the said Trustees, to be held at *Ashover*, or at some other convenient Place on the Line of 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*, to be held not sooner than Ten Days nor exceeding Twenty-one Days from the Day of such Notice being given.

Funds to be distinct, and applied to the Payment of Mortgages without any Priority.

VI. And be it further enacted, That the Tolls directed to be taken on the Road from the *Mansfield* and *Chesterfield* Turnpike Road to *Buntingfield Nook*, and the Tolls directed to be taken on the said Road from *Tupton Nether Green* to *Stubbing Edge Lane* and *Knot Cross* respectively, shall be distinct and separate Funds, and be paid and applied in Payment and Discharge of the Interest due and to become due to the Creditors of the different Roads respectively, without any Preference or Priority whatsoever.

Power to take Tolls.

VII. And be it further enacted, That it shall be lawful for the said Trustees, or such Person or Persons as shall be by them appointed, to demand, receive, and take, at the Turnpikes or Toll Gates, Side Bars or Chains, now erected and to be continued or hereafter to be erected, the several Tolls and Duties herein-after mentioned; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Barouche, Berlin, Landau, Chariot, Chaise, Curricule, Caravan, Chair, Gig, or other such Carriage, Hearse, or Litter, any Sum not exceeding Four-pence Halfpenny:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of the Breadth of Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Four-pence Halfpenny:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Tumbril, or other such like Carriage, having at the Time of using thereof Wheels of less Breadth than Six Inches at the Sole or Bottom of the Fellies thereof, any Sum not exceeding Sixpence:

For every Horse, Mule, or other Beast, laden or unladen, and not drawing, any Sum not exceeding One Penny Halfpenny:

For every Drove of Oxen, Cows, or Neat Cattle (Calves excepted), any Sum not exceeding the Sum of One Shilling and Three-pence *per* Score, and so in proportion for any less Number:

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

For every Horse or other Beast drawing any Carriage with Wheels of the Breadth of Six Inches or upwards, loaded with any Millstone or Millstones, Block or Blocks of Stone, Piece or Pieces of Timber,

Timber, and 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 Sum of One Shilling for each such Horse or Beast:

And for every Horse or other Beast drawing any Carriage with Wheels of less Breadth than Six Inches, loaded as last aforesaid, and drawn by Five Horses or other Beasts, the Sum of Three Shillings and Nine-pence; and if drawn by more than Five Horses or other Beasts, the Sum of One Shilling for each Horse or Beast.

VIII. And be it further enacted, That no more than Four full Tolls shall be demanded or taken on the same Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night, for or in respect of the passing and repassing of the same Horse, Beast, Cattle, or Carriage through all or any of the Turnpikes or Toll Gates erected or to be erected upon the said Road from the *Mansfield* and *Chesterfield* Turnpike Road to *Buntingfield Nook*, nor more than Two full Tolls upon the said Road from *Tupton Nether Green* to *Stubbing Edge Lane* and *Knot Cross* (except as herein-after mentioned).

Limiting the Number of Tolls to be taken in the same Day.

IX. Provided always, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Waggon, Van, Caravan, or other Carriage conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing along the said Roads, or either of them; and the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, or drawing any Post Chaise or other Carriage, shall be payable and paid every Time of passing along the said Roads, or either of them, whenever any fresh Hiring thereof shall take place: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Waggon, Van, Caravan, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

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

Post Chaises &c. on every new Hiring.

X. And whereas it frequently happens that Carts drawn by One Horse passing along the said Roads 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 Roads, drawn by One Horse only, shall and may be weighed at any Weighing Machine erected or 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 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 Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

One-horse Carts may be weighed.

XI. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered to make and complete the said Road from *Tupton Nether Green* to *Stubbing Edge Lane* and *Knot Cross*, by continuing the same Road from *Stubbing*

Power to complete the Road from Tupton Nether Green to Knot Cross.

*Edge Lane to Knot Cross* aforesaid, as herein-before mentioned and described, according to the Map or Plan herein-after referred to, in such Manner as to them shall seem right and proper.

Map or Plan deposited with Clerk of the Peace, to be open to Inspection.

XII. And whereas a Map or Plan describing the Course of the said intended Continuation of the said Road, and the Lands, Premises, and Hereditaments through which the same is to be made, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, Premises, and Hereditaments, hath been deposited in the Office of the Clerk of the Peace for the said County of *Derby*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County of *Derby*, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies and Extracts therefrom, at their Will and Pleasure, paying to such Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and the said Trustees, in making such Continuation of Road, shall not deviate more than One hundred Yards from the Line or respective Lines thereof described on the said Map or Plan without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, over and through whose Lands and Grounds such Deviation shall be made.

Trustees not to deviate from Plan.

Lands marked in the Plan may be used, notwithstanding Errors in Book of Reference.

XIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Continuation of Road into, through, across, or over the several Lands and Hereditaments of any Person or Persons who is or are or may be Owner or Owners of Messuages or Tenements, Lands and Hereditaments, over which the same is or are set out and described in the said Map and Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or mis-stated in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake.

Power of purchasing Premises limited to Five Years.

XIV. Provided also, and be it further enacted, That if the said Trustees shall not within the Space of Five Years from the Commencement of this Act agree for, and cause to be valued and paid for, the several Gardens, Lands, and Hereditaments which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted to them for purchasing the same, or such Parts thereof as aforesaid, shall cease and determine and be utterly void, save and except with the Consent in Writing of the Owners or Proprietors thereof respectively.

Application of the Tolls and other Monies.

XV. And be it further enacted, That all the Monies which shall have been raised or produced by virtue of the said recited Acts hereby repealed, and which shall remain undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall

shall arise and be produced by and from the Tolls by this Act granted and made payable, together with the Monies which have been or shall be borrowed upon the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, shall be applied to and for the several Uses, Intents, and Purposes, and in the Order and Manner following; (that is to say,) in the first place, in the Payment of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing of this Act, and otherwise relating thereto respectively; secondly, (after Payment of all necessary Expences to be from Time to Time incurred in erecting or repairing Toll Gates and Toll Houses, and for Books, Stationery, Advertisements, Salaries and other Charges of Officers, and other such current Expences,) in defraying the Expences of repairing, widening, improving, and amending the said Roads, and in executing other the Purposes of this Act; thirdly, in paying and discharging the Interest now or hereafter to accrue and become due upon or by virtue of any Mortgages or Securities which have been already made and granted of the Tolls heretofore payable on the same Roads, and of any Mortgages or Securities which shall be hereafter made and granted of the Tolls hereafter to become payable on the said Roads respectively; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been heretofore borrowed for the Purposes of the said recited Acts, in respect of the said Roads, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act, and all other Debts and Sums of Money now owing and which may hereafter become due and owing on account of the said Roads.

XVI. And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing and widening the Road from the Alfreton Turnpike Road, near a Place called Little Robins, in the Parish of Mansfield in the County of Nottingham, through Woolley Moor, to the Nottingham Turnpike Road near Tansley in the County of Derby, and from Woolley Moor to the Chesterfield Turnpike Road at Kelstidge in the County of Derby*: And whereas an Act was passed in the Twenty-eighth Year of the Reign of His said late Majesty, intituled *An Act for reviving, continuing, and enlarging the Term and Powers of an Act made in the Fifth Year of the Reign of His present Majesty King George the Third, for repairing and widening the Road from the Alfreton Turnpike Road, near a Place called Little Robins, in the Parish of Mansfield in the County of Nottingham, through Woolley Moor, to the Nottingham Turnpike Road near Tansley in the County of Derby, and from Woolley Moor to the Chesterfield Turnpike Road at Kelstidge in the said County of Derby*: And whereas an Act was passed in the Fiftieth Year of the Reign of His said late Majesty, intituled *An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for repairing the Road from the Alfreton Turnpike Road, near a Place called Little Robins, in the Parish of Mansfield in the County of Nottingham, to the Nottingham Turnpike Road near Tansley in the County of Derby, and from Woolley Moor to the Chesterfield Turnpike*

5 G. 3. c. 90.  
28 G. 3. c. 87.  
50 G. 3. c. 102.

*Turnpike Road at Kelstidge in the said County of Derby: And whereas Horses and Carriages travelling on the said Road from Tupton Nether Green to Stubbing Edge Lane and Knot Cross pass and repass from or near the Bottom of Stubbing Edge Lane aforesaid where the said Road joins to and communicates with the said Road in the said last-recited Acts mentioned, unto and as far as Kelstidge aforesaid, under the Care of the Trustees appointed by the said last-recited Acts; and in consideration of the said last-mentioned Trustees having diverted the Course of the Road under their Care at or near Coppice Chain, and made the same more level than formerly, and of the permitting Horses and Carriages going to and from the said Road from Tupton Nether Green to Stubbing Edge Lane and Knot Cross to pass along the said Piece of Road Toll-free, the Trustees for executing this Act are willing and desirous, out of the Tolls to be received upon the said Road from Tupton Nether Green to Stubbing Edge Lane and Knot Cross, to pay to the Trustees for executing the said last-recited Acts a certain Sum of Money, by the Year or otherwise, in lieu of the Toll they are authorized and entitled to receive for or in respect of Horses and Carriages going to and from the said Road from Tupton Nether Green to Stubbing Edge Lane and Knot Cross; be it therefore enacted, That it shall be lawful for the said Trustees for executing this Act to contract and agree with the Trustees for executing the said last-recited Acts for the Payment of a Sum of Money, by the Year or otherwise, by and out of the Tolls to be collected and received upon the said Road from Tupton Nether Green to Stubbing Edge Lane and Knot Cross, under the Authority of this Act; and in default of Payment of any such Sum or Sums of Money as shall be contracted and agreed to be paid as aforesaid, within Twenty-one Days after the same shall become due, the same shall and may be recovered from the said Trustees for executing this Act, or from their Treasurer for the Time being, by Action of Debt or on the Case in any of His Majesty's Courts of Record at Westminster, in the Name of the Treasurer or Treasurers for the Time being of the said Mansfield and Kelstidge Turnpike Road.*

Composition  
to be paid  
to Trustees  
of Mansfield  
and Kelstidge  
Roads.

Commence-  
ment and  
Continuance  
of Act.

XVII. And be it further enacted, That this Act shall commence and take effect from 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.

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.