



ANNO SEXTO & SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap. xcv.*

An Act for more effectually repairing the Road from the Town of *Cromford* to the Town of *Belper*, and the Road from the Main Road near the River *Amber* to the Turnpike Road at *Bull Bridge*, all in the County of *Derby*.

[10th *August* 1843.]

**W**HEREAS an Act was passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from the Town of Cromford to the Town of Belper, and for making a Branch of Road from and out of the said Road near the River Amber to join the Turnpike Road at Bull Bridge, all in the County of Derby:* And whereas in pursuance of the said Act the Trustees acting by virtue thereof have made and completed the Road thereby authorized to be made from the Town of *Cromford* aforesaid to the Town of *Belper*, and a Branch Road therefrom near the River *Amber* to join the Turnpike Road at *Bull Bridge*: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls authorized to be taken by the said Act, which Money still remains owing, together with an Arrear of Interest thereon, and such Money cannot

[*Local.*] 57 G.3. c.13.

Recited Act repealed, and this Act to be put in force.

be paid off, or the Interest thereof discharged, nor can the said Roads be effectually improved and kept in repair, unless further Powers are granted, and the Term of the said Act further continued, and the Tolls thereby authorized to be taken be altered: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted for repairing and improving the said Roads; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 Third *Monday* next after the passing of this Act the said recited Act of the Fifty-seventh Year of the Reign of His Majesty King *George* the Third shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

All Arrears of Tolls and Monies due under recited Act vested in the Trustees under this Act.

II. And be it enacted, That all Monies due to, and all Property and all Choses in Action vested in, the Trustees under the Act hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act, and such last-mentioned Trustees may sue for and recover the same, and act in respect thereof, as effectually as if the same had been vested in them under the said Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the recited Act were liable at the Repeal thereof.

Appointment of Trustees.

III. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the County of *Derby*, together with *Richard Arkwright, Robert Arkwright, Peter Arkwright, John Arkwright, Charles Arkwright, Joseph Arkwright* Clerk, *Frederick Arkwright, George Arkwright, Alfred Arkwright, James Charles Arkwright, John Balguy, John Balguy the younger, Charles Balguy, John Henry Barker, Benjamin Bowmer, William Brittlebank, William Barber* Clerk, *Richard Barber* Clerk, *Edward Brettle, George Brettle, Thomas Bowmer, John Barber, Benjamin Broomhead, Adam Wolley Broomhead*, the Honourable *George Henry Cavendish, D'Ewes Coke, John Bell Crompton, Gilbert Crompton, Roger Cox, Henry Cox, Charles Robert Colville, Charles Clarke, Henry Salkeld, James Collingwood, Sir Francis Sacheverel Darwin* Knight, *William Evans, Samuel Evans, David Evans, John Frost, Philip Gell* Clerk, *Francis Green Goodwin, Francis Cornelius Goodwin, John Garton, George Goodwin, John Greaves, Thomas Hallows, Samuel Harvey, Thomas Lichfield Harrison, Francis Hurt, Francis Hurt the younger, Charles Hurt, Richard Hurt, Edward Nicholas Hurt, Nathan Hubbersty* Clerk, *John Harrison, Imanuel Halton* Clerk, *Robert Hay, John Cressy Hall, Arthur Heathcote, Heathcote Sir Richard Paul Jodrell* Baronet, *William Jessop, John Jessop, George Jessop, Joshua Jebb*  
*Jebb,*

*Jebb, Richard Becher Leacroft, William Lockett, William Palmer Morewood, William Rylance Melville Clerk, William Melville, William Milnes, William Milnes the younger, Charles Milnes, Edmund Gilling Maynard, John Mold, Charles Mold, Edward Miller Mundy, William Mundy, John Meynell, William Edward Nightingale, George Nuttall, James Oakes, Benjamin Potter, Samuel Patteson, John Radford, Edward Radford, Thomas Radford, John Rowbottom, John Ray, Adam Barker Slater, Joseph Strutt, Edward Strutt, Jedediah Strutt, Anthony Radford Strutt, John Strutt, Samuel Sims, John Smedley, Sydney Smithers, William Pole Thornhill, Samuel Travis, Christopher Turnor, William Underwood, Benjamin Bradley Ward, John Ward, Joseph Wass, Nathaniel Wheatcroft, David Wheatcroft, Abraham Wheatcroft, Jabez Wheatcroft, John Wilson, John Wolley Clerk, Peter Walthall, Francis Wright, John Wood Clerk, Hugh Wood Clerk, William Walker, Thomas Walker, Thomas Ward, and Charles Carill Worsley, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be Trustees for putting this Act into execution.*

IV. And be it enacted, That it shall be lawful for the Trustees at any Meeting under this Act to elect any Number of Persons 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 such Trustees so elected shall have the same Powers and Authorities for executing this Act as if they had been hereby appointed.

Power to appoint additional Trustees.

V. And be it enacted, That the Trustees shall hold their First Meeting at the *Greyhound Inn* in *Cromford*, or at some other convenient Place in the Neighbourhood of the said Roads, and shall then and from Time to Time thereafter adjourn to and meet at such Times and at such Places in the Neighbourhood of the said Roads as they shall think proper.

First Meeting of Trustees.

VI. And be it enacted, That the Trustees may appoint Committees out of their own Number to take the Care and Management of any particular Part of the said Roads, or to execute any of the other Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the Trustees at any General Meeting, and the said Committees and their Surveyors may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Power to appoint Committees.

VII. And be it enacted, That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Turnpike Roads herein-after described; (that is to say,) the Main Road commencing at the Road which leads from *Cromford Bridge* into the Town of *Cromford*, and near to the Entrance into the said Town of *Cromford*, and terminating at the Entrance into the Town

Roads to which this Act is applicable.

Town of *Belper*, and the Road commencing from and out of the said Main Road near the River *Amber* and terminating in the Turnpike Road at *Bull Bridge*, all in the County of *Derby*.

Present Tolls continued until the End of the existing Letting.

VIII. And be it enacted, That notwithstanding the Repeal of the said recited Act the several Tolls thereby granted and made payable shall continue to be paid at the Toll Gates, Toll Bars, or Chains to be continued or erected on or on the Side of the said Roads until the Expiration of the present Leases, or sooner Determination thereof.

Power to take Tolls.

IX. And be it enacted, That upon and after the Expiration or sooner Determination of the present Leases it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates, Toll Bars, or Chains which shall by virtue of this Act be upon or on the Sides of the said Roads respectively such Tolls as the Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

Tolls.

For every Horse, Mule, or other Beast drawing any Coach, Omnibus, Chariot, Landau, Landauet, Marine, Berlin, Barouche, Chaise, Calash, Curricule, Hearse, Litter, Gig, Caravan, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less than Six Inches, the Sum of Four-pence Halfpenny:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches, and less than Nine Inches, the Sum of Three-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, Dray, or other such like Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of Nine Inches or upwards, the Sum of Two-pence:

For every Four-wheeled Carriage fixed in any Manner to any Waggon, Wain, Drug, Cart, or other Carriage, the Sum of Six-pence, if empty, and if loaded the Sum of One Shilling; and for every Two-wheeled Carriage so fixed, the Sum of Three-pence if empty, and if loaded the Sum of Sixpence:

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

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:

For every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five-

Five-pence *per* Score, and so in proportion for any greater or less Number :

For every Dog, Goat, or other such like Animal drawing any Cart, Carriage, Truck, Barrow, or other such like Carriage, the Sum of Sixpence : And

For every Carriage propelled or drawn by Steam or other Power than Animal Power, or attached to and drawn by any Carriage so propelled or drawn, the Sum of Two Shillings :

Which said Tolls shall be paid before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever shall be permitted or authorized to pass through any Toll Gate, Bar, or Chain, which shall be by virtue of this Act upon or across the said Roads, or on the Sides thereof.

X. And be it enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable in lieu of such fractional Part. As to the Fraction of a Halfpenny in Tolls.

XI. And be it enacted, That no more than Two full Tolls shall be taken for passing and repassing once only in the same Day, (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night,) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty, through all the Toll Gates, Toll Bars, or Chains erected or to be erected or continued on the said Road from *Cromford Bridge* to *Belper*, and no more than One full Toll for the like Passage through all the Toll Gates, Toll Bars, or Chains erected or to be erected or continued on the said Road from near the River *Amber* to *Bull Bridge*. Only Two full Tolls to be payable on the Roads in the same Day.

XII. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Bar, or Chain on the said Roads, or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted in returning once through the same Toll Gate, Toll Bar, or Chain, and in going and returning once through such other Gate, Bar, or Chain (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day. Persons having paid Toll to return Toll-free.

XIII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or Cattle had been made on the same Day. Post Chaises to pay on every fresh Hiring.

Regulations  
as to Stage  
Coaches, &c.

XIV. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Omnibus, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, and any Carriage propelled or drawn by Steam, or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate, Bar, or Chain, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate, Bar, or Chain which such Ticket would free in the Case of Horses or Cattle drawing any other Carriage; and no further additional Toll shall be payable in respect of any Stage Coach or other such Carriage as aforesaid at any Toll Gate, Bar, or Chain, the Payment at which shall be freed by such Ticket as aforesaid, on account only of their conveying other Passengers, or of the Horses or Cattle drawing the same having been changed.

Double Toll  
for extra  
Weight  
between  
the First of  
November  
and the First  
of April.

XV. And be it enacted, That between the First Day of *November* in every Year and the First Day of *April* in the next succeeding Year it shall be lawful for the Trustees to demand at each Toll Gate, Bar, or Chain double the Toll hereby payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon or other Carriage, the Weight of which and of the Loading thereof shall exceed One Ton Ten Hundred Weight, if drawn by One Horse, and if drawn by more than One Horse shall exceed that Weight, with the Addition thereto of Half a Ton Weight for each Horse above One.

Trustees may  
reduce the  
Tolls for  
Lime or  
Chalk for  
Manure.

XVI. And be it enacted, That it shall be lawful for the Trustees at any Meeting to be specially called for the Purpose to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage, laden only with Lime or Chalk for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall, in respect of the Matters last mentioned, be payable.

Respecting  
Toll Gates.

XVII. And be it enacted, That the several Toll Gates, Bars, Chains, and Toll Houses now standing or being on the said Roads, or on the Sides thereof, shall be continued until removed by any Order of the Trustees; and it shall be lawful for the Trustees to order and cause to be set up in or across the said Roads, or on the Sides thereof, any Toll Gate, Bar, or Chain, and to remove the present or any future Toll Gate, Bar, or Chain, as they shall think proper.

Application  
of Monies.

XVIII. And whereas in the Year One thousand eight hundred and seventeen certain Persons, being the Owners of Estates in the  
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Neighbourhood of the said Roads, or interested in the Manufactures of the District, subscribed various Sums of Money, amounting in the whole to the Sum of Seven thousand two hundred and fifty Pounds, for the Purpose of forming the said Roads: And whereas at a Meeting of the Trustees held on the Twenty-fifth Day of *March* One thousand eight hundred and eighteen it was ordered that the Trustees should be empowered to raise a Sum of Money upon the Credit of the Tolls of the said Roads, not exceeding the Sum of Two thousand five hundred Pounds, to complete the making of such Roads, the then Amount of Subscriptions being insufficient for that Purpose, and that the Subscribers be applied to to relinquish their Claim to Interest on their respective Subscriptions until the Mortgagee be repaid his Principal and Interest: And whereas in pursuance of such Order the Subscribers to the said Sum of Seven thousand two hundred and fifty Pounds, by Writing under their Hands, did thereby authorize Seven or more of the Trustees of the said Road to borrow any Sum of Money upon the Credit of the said Tolls, not exceeding the Sum of Two thousand five hundred Pounds, and that any Sum or Sums of Money so borrowed should have a Priority to their respective Subscriptions; and they did thereby relinquish and give up all Claim to Interest thereon until the Sum or Sums of Money so borrowed as aforesaid should be repaid and satisfied, together with lawful Interest for the same; and the said Sum of Two thousand five hundred Pounds was raised on the individual Security of several of the Trustees: And whereas at another Meeting of the said Trustees held on the Ninth Day of *December* One thousand eight hundred and eighteen it was ordered that a further Sum of Two thousand Pounds be raised for the Use of the Road upon a similar Security as was given by the Trustees for the former Sum borrowed; and the said further Sum of Two thousand Pounds was duly raised on the like personal Security of several of the said Trustees: And whereas at the Time of such Orders of the Trustees being made no Mortgages had been executed in respect of the said Sum of Seven thousand two hundred and fifty Pounds so raised by Subscriptions as aforesaid, but since that Period Mortgages for that Amount have been executed and given to the several Persons who were Subscribers for the same: And whereas the Interest on the said Two several Sums of Two thousand five hundred Pounds, and Two thousand Pounds, has been duly and regularly paid, and Five hundred Pounds, Part of the Principal of the said Two several Sums, has been recently paid off and discharged: And whereas the Sum of Five hundred and ninety-one Pounds Sixteen Shillings and Seven-pence remains due and owing as Principal for Land taken for the Formation of the said Roads; and it is therefore expedient that Provision should be made for the duly paying the Interest due and to become due on the Remainder of the said Two several Sums of Money, and on the said Sum of Five hundred and ninety-one Pounds Sixteen Shillings and Seven-pence, and of reducing, paying off,

off, and discharging the Principal of such said Sums; be it therefore enacted, That all Monies which shall be received by the Trustees by virtue of this Act upon the said Roads shall be applied as follows; (that is to say,)

Firstly, In paying and discharging the Expences of obtaining and passing this Act, or incident thereto:

Secondly, In paying and discharging any Interest due and to become due on the Remainder of the said Two several Sums of Two thousand five hundred Pounds, and Two thousand Pounds, and on the said Sum of Five hundred and ninety-one Pounds Sixteen Shillings and Seven-pence; then in applying annually the Sum of Three hundred and sixty-two Pounds Ten Shillings in reducing, paying off, and discharging the Remainder of the said Two several Sums of Two thousand five hundred Pounds, and Two thousand Pounds, and of the said Sum of Five hundred and ninety-one Pounds Sixteen Shillings and Seven-pence, until the same shall be fully paid and satisfied:

Thirdly, As to One Moiety of the Remainder of such Money in paying and discharging the Interest which may from Time to Time hereafter become due and owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed, such Moiety being hereby declared to be in full Satisfaction and Discharge of all Interest that may so become due in respect of such Money until the Remainder of the said Two several Sums of Two thousand five hundred Pounds, and Two thousand Pounds, and the said Sum of Five hundred and ninety-one Pounds Sixteen Shillings and Seven-pence, shall have been fully paid off and discharged as aforesaid; and as to the other Moiety of the Remainder of such Money, in paying the Expences of improving, maintaining, and keeping in repair such Roads, and in putting this Act into execution with reference thereto:

Fourthly, When the Remainder of such Two several Sums of Two thousand five hundred Pounds, and Two thousand Pounds, and the said Sum of Five hundred and ninety-one Pounds Sixteen Shillings and Seven-pence, shall have been fully paid off and discharged, the whole of the Monies which shall be received as aforesaid shall be appropriated, firstly, in paying and discharging any Interest which may then from Time to Time become owing in respect of any Money which may have been borrowed on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed; then in paying the Expences of improving, maintaining, and keeping in repair such Roads, and in putting this Act into execution with reference thereto; and, lastly, in reducing, paying off, and discharging the Interest remaining due on, and also the Principal of the several Sums which have been borrowed  
on



on the Credit of the Tolls authorized to be taken by the said former Act hereby repealed, or which may be borrowed on the Credit of the Tolls authorized to be taken by this Act.

XIX. Provided always, and be it enacted, That, notwithstanding any thing in this Act contained, the several Persons possessing Mortgages granted under the said former Act hereby repealed shall have such and the same Remedies for securing the Payment of the Interest and Repayment of the Principal Money due on any such Mortgage as if the said recited Act had not been repealed.

Rights of Persons holding existing Mortgages.

XX. And be it enacted, That no more Money shall be expended in the Repair of any Road comprised in this Act than shall be collected on such Road, or borrowed on the Credit of the Tolls collected thereon.

Limiting Money to be laid out on any Road.

XXI. And be it enacted, That no Money shall be laid out on any Road comprised in this Act within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein, or in the Town of *Belper*.

No Tolls to be taken or Money laid out in Towns.

XXII. And be it enacted, That no Trustee or Clerk acting under the Authority of this Act, if not otherwise interested, shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action, Suit, or other Proceeding brought by or against him in such his Capacity of Trustee or Clerk by reason of his being Plaintiff or Defendant in such Action, Suit, or Proceeding.

Trustees or Clerks competent Witnesses in Actions.

XXIII. And be it enacted, That nothing herein contained shall be deemed to exempt the Roads comprised in this Act from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Roads in this Act not exempted from any general Act.

XXIV. And be it enacted, That this Act shall commence on the Third *Monday* next after the passing thereof, and shall continue in force for the Term of Twenty-one Years, and from thence to the End of the Session of Parliament which shall then next follow.

Term of Act.

XXV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

[*Local.*]

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The Word "Person" shall be understood to include Corporation :  
Words importing the Masculine Gender shall include Females :  
The Word "Lands" shall be understood to include Messuages,  
Tenements, and Hereditaments.

Public Act.

XXVI. And be it enacted, That this Act shall be a Public Act,  
and shall be judicially taken notice of as such.

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