ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xliv.

An Act for repairing and maintaining the Road leading from the South End of *Angel Lane* in *Brampton Bierley* to a certain public Highway in *Mexbrough*, and from *Clegg's Cottage* in *Rawmarsh* to the West End of the Village of *Hooton Roberts*, in the County of *York*.

[11th *June* 1838.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Turnpike* 58 G. 3. c. 38.
Road from the South End of Angel Lane *in* Brampton Bierley *to a certain public Highway in* Mexbrough, *and also from* Clegg's Cottage *in* Rawmarsh *to the North End of* Kilnhurst Bridge, *and from the South End of the said Bridge to the West End of the Village of* Hooton Roberts, *in the West Riding of the County of* York: And whereas considerable Sums of Money are now due and owing on the Credit of the Tolls authorized to be taken by the said Act on the said Road, which cannot be paid off, nor the Interest thereof be discharged, nor can the Purposes of the said recited Act be effected, unless the Term of the said Act, which is near expiring, and the Powers and Provisions thereof, and the Tolls thereby authorized to be taken on the said Road, be continued for a further Term; and it is expedient that some of such Powers and Provisions should be enlarged or amended, and the Tolls increased or altered: And whereas the Purposes aforesaid might be more conveniently effected if the said recited Act were repealed, and if other Powers and Pro-

visions were granted and made in lieu thereof: 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 Day of the Commencement of this Act the said recited Act of the Fifty-eighth Year of the Reign of His said late Majesty shall be and the same is hereby declared to be repealed.

Recited Act repealed.

This Act to be put in execution for repairing the Road, &c.

II. And be it further enacted, That this Act shall be put into execution for and during the Term herein-after mentioned for the Purpose of repairing, improving, and maintaining the aforesaid Turnpike Road leading from the South End of *Angel Lane* in *Brampton Bierley* to a certain public Highway in *Mexbrough*, and also from *Clegg's Cottage* in *Rawmarsh* to the West End of the Village of *Hooton Roberts*, in the West Riding of the County of *York*.

Tolls liable to Debts, &c. contracted under former Act.

III. And be it further enacted, That the Tolls hereby granted and authorized to be taken on the said Road shall be and the same are hereby declared to be subject and liable to the Payment of all Monies which are now due and owing on the Credit of the Tolls granted by the said recited Act of the Fifty-eighth Year of the Reign of King *George* the Third, and of all Interest due and to grow thereon, as fully and effectually, to all Intents and Purposes, as if such Monies had been advanced or borrowed or had become due on the Credit of this Act or of the Tolls hereby granted; and all and every Person and Persons owing any Sum or Sums of Money to the Trustees for executing the said Act hereby repealed shall be liable to the Payment thereof to the Trustees for executing this Act, notwithstanding the Repeal of the said recited Act.

Appointing Trustees.

IV. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the said West Riding of the County of *York*, together with *John Aldred*, *William Bingley*, *Charles William Bingley*, *Thomas Bingley*, *John Bingley*, *Thomas Brameld*, *Robert Otter Blythman*, *George Frederick Brameld*, *John Wager Brameld*, *John Boomer*, *John Blackburn*, *John Seddon Bower*, *Thomas Badger*, *Robert Bentley*, *Peter Barker*, *John Beatson*, *Samuel Barker*, *William Beatson*, *John Birks*, *Samuel Clarke*, *Henry Crossley*, *William Carr*, *John Ellison*, *Thomas Eyre*, the Reverend *Charles Wolff Eyre*, the Reverend *William Ellis* Clerk, *John Fullerton* junior, Esquire, the Reverend *Weston Fullerton*, the Reverend *Arthur Fullerton*, *Henry Joseph Firth*, *Peter Pope Firth*, *John Fisher*, *William Firth*, *Edward Foster*, *John Foster*, the Reverend *John Foster*, *George Colton Fox*, *George Savile Foljambe*, *Henry Savile Foljambe*, *Richard Gawtress*, *George Green*, *William Green*, the Reverend *Francis Hall*, *Thomas Hounsfield*, *William Fretwell Hoyle*, *John Haden*, *Thomas Hoyland*, *John Hornby*, the Reverend *John James*, *Thomas Jackson*, *Edward Jackson*, *Samuel Johnson*, *Simeon Jenkinson*, *William Kaye* Doctor of Medicine, the Reverend *John Lowe*, *Thomas Lowe*, *John Barker Marsh*, *Robert Marsh*, *John Maxfield*, *Edward Newman*, *Robert Otter*, *William Parkin*, *John Pearson*, *Francis Parker*, *Thomas Parkinson*, *Thomas Rhodes*, *George Ramsden*, *William Rhodes*, *Joseph Rawlin*,

William Roberts, Thomas Roberts, George Roberts, John Sheppard, John Story, Richard Sailes, William Swann, John Scaife, George Savile, Charles Samuel Roberts Sandford, Thomas Wheatley, George Clarke Walker, Jonathan Gawtress Wade, John Wood, Thomas Walker, William Waterhouse, Frederick Walker, James White, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for repairing, improving, and maintaining the said Road, 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 be holden by virtue of this Act, to elect and appoint any Number of fit and proper 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 in and by this Act 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 known by the Name of the *Crown* Inn in *Rotherham* in the County of *York*, or at some other convenient Place near the said Road, 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 Time and Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

Respecting Toll Gates.

VII. And be it further enacted, That all the several Toll Gates, Turnpikes, Bars, Chains, Side Bars, and Toll Houses erected and now standing and being in, upon, or across the said Road, 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 and set up or built upon, in, or across the said Road, or on any Part thereof, or on the Sides thereof respectively, when, where, and as they judge necessary, any Toll Gate or Toll Gates, Bar or Bars, Chain or Chains, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll Gates or Turnpikes, or Bars or Chains, and such future Toll Gates, Bars, and Chains, or any or either of them, as they the said Trustees shall from Time to Time think proper.

Power to take Tolls.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take, or cause to be demanded and taken, at the several and respective Turnpikes, Toll Gates, Bars, and Chains now erected and continued or hereafter to be erected upon, across, or on the

the Sides of the said Road, (subject to the Provisions herein-after contained,) the Tolls or Sums herein-after mentioned, or any Sum or Sums not exceeding the Tolls or Sums herein-after mentioned, and on every Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock of the next succeeding Night; (that is to say,)

Tolls. For every Horse, Mule, or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Barouche, Curricle, Phaeton, Caravan, Hearse, Chair, Taxed Cart, or other such like Carriage, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Cart, or other Carriage of the like Nature, with Wheels of the Breadth of Six Inches and upwards, where such Waggon, Cart, or other Carriage shall be drawn by One Horse, Mule, or other Beast only, the Sum of Three-pence:

For every Horse, Mule, or other Beast drawing any Waggon, Cart, or other Carriage of the like Nature, with Wheels of less Breadth than Six Inches, where such Waggon, Cart, or other Carriages shall be drawn by One Horse, Mule, or other Beast only, the Sum of Sixpence:

For every Horse, Mule, or other Beast drawing any Waggon, Cart, or other Carriage of the like Nature, with Wheels of the Breadth of Six Inches or upwards, where such Waggon, Cart, or other Carriage shall be drawn by more than One such Horse, Mule, or other Beast, the Sum of Two-pence each:

For every Horse, Mule, or other Beast drawing any Waggon, Cart, or Carriage of the like Nature, with Wheels of less Breadth than Six Inches, where such Waggon, Cart, or other Carriage shall be drawn by more than One such Horse, Mule, or other Beast, the Sum of Four-pence each:

For every Horse, Mule, 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 Tenpence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Fivepence *per* Score, and so in Proportion for any less Number:

And for every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, the Sum of Two Shillings:

And in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein-before granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part; which said Sums of Money or Tolls shall or may be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage whatsoever, chargeable with such Sums of Money or Tolls, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Side Bar, or Chain, which shall be continued, erected, or placed by virtue of this Act upon, across, or on the Side of the said Road; and such respective Tolls or Sums of Money shall be and they are hereby vested in the Trustees for putting this Act into execution, and shall be applied in manner herein-after directed.

No more than Two Tolls to be

IX. Provided always, and be it further enacted, That no Person or Persons shall liable in any One Day, to be computed from Twelve of the

the Clock at Night to Twelve of the Clock in the next succeeding Night, to pay the said Tolls for or in respect of the same Horse, Beast, Cattle, or Carriage at more than Two Turnpikes or Toll Gates, Side Gates or Side Bars, or Chains, which shall be continued, erected, or placed by virtue of this Act upon, across, or on the Side of the whole Line of the said Road between the South End of *Angel Lane* and the Township of *Mexbrough*, nor at more than Two Turnpikes or Toll Gates, Side Gates or Side Bars, or Chains, so to be continued, erected, or placed upon, across, or on the Side of the whole Line of the said Road between the South End of *Angel Lane* aforesaid and the West End of the Village of *Hooton Roberts*; and that if any Person or Persons shall have paid the said Tolls for the passing of any Horse or Cattle, Beast or Carriage, through any of the Turnpikes or Toll Gates to be continued, erected, or placed by virtue of this Act, such Person or Persons shall be permitted to pass Toll-free, with the same Horse, Cattle, Beast, or Carriage, through the same Turnpike or Toll Gate at any Times or Times during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night.

paid on the whole Line of the said Roads;

and Tolls to be taken but once a Day.

X. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses and other Beasts drawing any Stage Coach, Diligence, Van, or Caravan, or Stage Waggon or other Stage Carriage or Cart, and also for and in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than by Animal Power, conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and be paid every Time of passing along the said Road or any Part thereof: Provided also nevertheless, that in case the Horses or Beasts drawing any such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon or other Stage Carriage or Cart, shall be changed after such Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Cart, shall have passed through any Toll Gate or Turnpike on the said Road, and Tolls shall have been paid thereat for the same, no further Toll shall be payable in respect of any such other Horses or Beasts than would have been payable in respect of such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart, in case such Stage Coach, Diligence, Van, or Caravan, or Stage Waggon, or other Stage Carriage or Cart, had been drawn by the same Horses or Beasts along the whole Line of the said Road.

Public Carriages to pay every Time of passing.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or other Beasts let out to Hire, and drawing any Post Chaise or other Carriage, and all Horses or Beasts let out to Hire for riding and not drawing, shall be payable and paid every Time of passing along the said Road whenever any new Hiring thereof shall have taken place.

Post Chaises and riding Horses to be subject to Toll on every new Hiring.

XII. And whereas many Persons make a Practice of carrying and conveying Stone, Dross, Ashes, and other Things upon the said Road in the Winter Season, which are exempted from Toll, to the great Prejudice of the said Roads, and which might be carried and conveyed in the Summer Months with less Prejudice to the said Roads; be it therefore enacted, That it shall be lawful for the said Trustees,

Certain exempted Articles subject to Toll if conveyed during certain Months.

between the First Day of *October* in any One Year and the First Day of *April* in the next succeeding Year, at all Times hereafter, to demand, receive, and take, or cause to be demanded, received, and taken, at the several and respective Toll Gates or Turnpikes, or Toll Houses, or Side Bars or Side Gates, or Chains, erected or to be erected on the said Road, for every Horse, Mule, or Ass drawing any Waggon, Wain, Cart, or other Carriage conveying or laden with Stone, Dross, or Ashes, or any other Kind of Materials which might be used for making or repairing any Road or Bridges whatever, such and the same Tolls or Sums of Money as are herein-before imposed upon Horses, Mules, and Beasts drawing Waggons, Carts, and Carriages, any Exemption granted by any Law or Statute to the contrary notwithstanding.

Waggons, &c. laden with Materials not to be exempt from Toll if the Tires and Fellies of the Wheels are of a certain Construction.

XIII. Provided always, and be it further enacted, That no Exemption from any of the Tolls by this Act 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, such Waggon, Cart, or other Carriage having the Nails of the Tire or Tires of the Wheels thereof projecting more than One Quarter of an Inch beyond any Part of the Surface of such Tire or Tires, or having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, any Law or Statute, or any thing in this Act contained, to the contrary thereof notwithstanding.

Lime for Manure not to pay Toll.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, at any Meeting or Meetings to be specially called for the Purpose, to make an Order or Orders from Time to Time that no Person shall be liable for the Payment of Toll for any Horse or Beast laden with Lime, or for any Horse or Beast drawing any Waggon, Cart, or other such like Carriage laden only with Lime for the Improvement of Land, or returning unladen or empty from having been only so employed; and from and after the making of any such Order such Exemption may be claimed and allowed accordingly, any Law or Statute to the contrary notwithstanding; and such Orders may be revoked and renewed from Time to Time as the said Trustees shall think proper, at any Meeting or Meetings, of which special Notice shall be given.

Application of Tolls and Money borrowed.

XV. And be it further enacted, That all the Monies which shall have been raised and produced by virtue of the said recited Act of the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls in this Act mentioned, 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, shall be applied to and for the several Uses, Intents, and Purposes, and in manner following; that is to say, in the first place, in the Payment of all Costs, Charges, and Expences incurred in or incidental to the applying for, preparing, obtaining, and passing this Act; and secondly, in paying Expences of Books, Advertisements, Salaries of

Officers, and other such current Expences of the Trustees, and in repairing, altering, or erecting, making or placing Toll Gates and Toll Houses, Side Gates, Side Bars, or Chains, Fences, Ditches, Stones, and Posts, and in paying and discharging the Interest of any Monies borrowed upon personal Security, or 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 Road or any Part thereof, and of any Mortgages or Securities which shall hereafter be made and granted of the Tolls by virtue of this Act; and thirdly, in defraying the Expences of repairing, improving, and maintaining the said Road; and lastly, in reducing, paying off, and discharging the several Principal Sums of Money which have been borrowed and secured in pursuance of and for the Purposes of the said recited Act hereby repealed, and also the several Principal Sums of Money which may hereafter be borrowed by the Trustees for executing this Act.

Rights of Mortgagees not to be prejudiced.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the Rights of any Mortgagees holding any Assignment of the Tolls made or granted before the passing of this Act.

Tolls not to be applied in the Repair of any Road unless there be a Toll Gate continued thereon.

XVII. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Road authorized to be made or repaired by this Act unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road, or on the Side thereof, nor unless the said Tolls shall be demanded and taken thereat, pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Roads than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Repositories for Scrapings, &c. to be provided.

Two Justices shall settle any Differenc that may arise as to Value.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby empowered to purchase or rent any Piece or Pieces of Land or Ground, not exceeding in any One Place Thirty-six superficial Square Yards, on the Side of the said Road, as Repositories for broken and unbroken Materials for making and repairing the same, and for depositing the Scrapings off the Road; and in case any Difference shall arise between such Trustees and the Owner of such Land or Ground with respect to the Value thereof, or the Necessity or Propriety of taking such Land or Ground, the same shall be settled and determined by any Two of Her Majesty's Justices of the Peace acting for the County where the said Land or Ground shall be situated in manner directed by any Law or Statute relating to Turnpike Roads in *England* with respect to getting Materials for the Repair of any Turnpike Road.

Temporary planting of young Trees not to prevent the taking Materials for the Repair of Roads from privateLands.

XIX. And whereas temporary Plantations are sometimes made by the Owners or Occupiers of Lands or Grounds containing Materials proper for the Repair of the said Road, whereby the Powers of the said Trustees for taking such Materials are evaded, to the great Prejudice of the said Road, and whereby the Expence of obtaining Materials for such Purposes is greatly increased; be it therefore further enacted, That if at any Time or Times after any Order of the said Trustees

Trustees shall have been made for getting Materials for the Repair of the said Road from any Lands or Grounds not being a Plantation or Nursery of Trees previously to and at the Time of making of any such Order, and after Service of a Copy of such Order on the Owner or Occupier of such Lands or Grounds, or after leaving a Copy of such Order at the last or usual Place of Abode of any such Owner or Occupier, any Person shall plant any young Trees or other Plants in or upon any such Land or Ground, it shall nevertheless be lawful for the said Trustees, or the Surveyor or other Person acting under their Authority, and they or he are or is hereby empowered, to enter upon and to dig and take and carry away any such Materials for repairing the said Road, or any Part thereof, from Time to Time as they shall think proper, in and from any such Lands or Grounds, in like Manner as they are by Law authorized to do in Cases where Materials are authorized to be taken from any private Lands or Grounds not being a Plantation or Nursery for Trees, any Law or Statute to the contrary notwithstanding.

For preventing certain Nuisances.

XX. And be it further enacted, That if any Person or Persons shall hang or put or place out any Linen or other Clothes on any Line, Bank, Rail, or Fence adjoining to the said Road or any Part thereof, or shall hang or put or place any Hook or Hooks or other Thing or Things to, from, or in any House, Shop, or Place adjoining or being near to the said Road or any Part thereof, so as to project into the same, or to be an Annoyance to any Person or Persons or Cattle passing thereon, or prevent the free and safe Use of the whole Breadth of the said Road, every Person offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above any Damage that may be occasioned thereby; and if any Person shall erect or place any Privy or Pigstye, or other offensive Erection, Matter, or Thing, on the Side of any Part of the said Road, or near thereto, so as to be a Nuisance to Passengers thereon, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence; and if any Person owning or occupying any Land or Premises whereon any such offensive Erection, Matter, or Thing is or shall be erected or placed shall neglect to remove and clear away the same within Forty-eight Hours after Notice in Writing signed by any Three or more of the said Trustees, or their Clerk by their Order, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings for every Day, after the Expiration of Forty-eight Hours from the Day of the Service of such Notice, during which any such offensive Erection, Matter, or Thing shall be continued or remain unremoved or not cleared away.

Public Act.

XXI. 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.

Commencement and Continuance of this Act.

XXII. And be it further enacted, That this Act shall commence upon the Second *Monday* next after the passing thereof, and shall thenceforth continue and be in force for Thirty-one Years, and from thence to the End of the then next Session of Parliament.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.