ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

***

on the First Day of *November* One thousand eight hundred and fifty-two: And whereas considerable Sums of Money were subscribed for the Purpose of making the said Road from a Place called *Holehouse* or *Riding* near *Greenfield* in the Parish of *Saddleworth*, to join the *Stayley* Turnpike Road, and also to join the *Halifax and Sheffield* Turnpike Road, all in the West Riding of the County of *York*, upon the Credit of the Tolls authorized by the said Act to be taken, and also Two several Sums of Three hundred Pounds and Two hundred Pounds have been borrowed by the Trustees of the said Road, for the Purposes of the said Road, which first-mentioned Sum of Three hundred Pounds has been secured by the joint and several Bond of certain of the Trustees, and which secondly-mentioned Sum of Two hundred Pounds has been secured by the joint and several Promissory Note of certain of the said Trustees, which Sums bear Interest respectively after the Rate of Five Pounds *per Centum per Annum*, and which Interest has been regularly paid by the said Trustees out of the Funds arising from the said Tolls, and unless the Trustees shall be authorized to pay the said Two several Sums of Three hundred Pounds and Two hundred Pounds, with the Interest accruing due thereon, out of the Tolls coming to their Hands, the said Trustees who have executed such Bond and such Note respectively will be liable to pay the same and the Interest thereon: And whereas also divers other Sums of Money have been borrowed and advanced since the passing of the said recited Act upon the Credit of the said Tolls, and the Monies so subscribed, borrowed, and advanced, and also owing, cannot be paid off or Interest thereon discharged unless further Powers are granted, and the Term of the said recited Act further continued: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Authority of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 the present Parliament assembled, and by the Authority of the same,

Recited Act repealed.

I. That upon the Thirty-first Day of *October* next after the passing of this Act, the said recited Act of the Fourth Year of His late Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments, and in all Proceedings whatsoever, it shall be sufficient to use the Expression "The *Greenfield and Shepley Lane Head* Road Act, 1852."

III. That

Monies and Property to vest in the new Trustees.

III. That all Monies due to, and all Property and all Choses in Action vested in the Trustees under the said recited Act, 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 recited Act, and they shall be liable to all the Debts and Engagements to which the Trustees under the said recited Act were liable, save and except the Interest due to the several Persons who have advanced Money on the Credit of the said Tolls hereby extinguished.

Appointment of Trustees.

IV. That all Her Majesty's Justices of the Peace for the Time being respectively acting for the West Riding of the County of *York*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution, together with *William Green Armytage*, *John Armytage*, *James Green Armytage*, *Richard Battye*, *John Battye*, *Charles Brook*, *Charles Brook* of *Meltham Hill*, *James Bates*, *James Bates* the younger, *George Henry Brook*, *Charles Brook* of *Huddersfield*, *John Brook*, *Thomas Brook*, *Thomas Brook* the younger, *David Brook*, *Benjamin Bates*, *John Bates*, *Joseph Batley*, *Joseph Batley* the younger, *Edward Butterworth*, *Jonathan Butterworth*, *Thomas Butterworth*, *Joshua Butterworth*, *Isaac Beardsell*, *Charles Beardsell*, *Joseph Butterworth*, *Benjamin Butterworth*, *Robert Butterworth*, *Richard Wooffenden Butterworth*, *Matthew Henry Butterworth*, *Richard Boothroyd*, *John Boothroyd*, *Joshua Barber*, *John Barber*, *Firth Barber*, *John Barber*, *Henry Barber*, *George Barber*, *Joseph Barber*, *Benjamin Beeley*, *Robert Beeley*, *John Broadbent*, *Joseph Broadbent*, *Richard Broadbent*, *Nathaniel Booth*, *Samuel Stephenson Booth*, *George Beaumont*, *George Bower*, *Richard Bower*, *Henry Bower*, *Joshua Charlesworth*, *James Charlesworth*, the Reverend *Joseph Rhodes Charlesworth*, *Thomas Charlesworth*, *Robert Coldwell Clarke*, *Joseph Crawshaw*, *John Carter*, *Ralph Carter*, *David Cooper*, *William Crawshaw*, *Abel Cuttell* the younger, *Herbert Dickinson*, *Huitson Dearman*, *Joseph Dickinson*, *Frank Dickinson*, *Thomas Dyson* of *Wellhouse*, *John Dyson*, *Thomas Dyson*, *Joseph Dyson*, *James Dransfield*, *Joshua Eastwood*, *Joseph Eastwood*, *Thomas Firth*, *Joseph Firth*, *James Hobson Farrar*, *Thomas Farrar*, *John Hobson Farrar*, *George Farrar*, *Cookson Stephenson Floyd*, *Cookson Stephenson Floyd* the younger, *Joseph Gartside*, *Benjamin Green*, *Joshua Green*, *James Green*, *William Haigh*, *John Hixon*, *John Haigh*, *Jonathan Hirst*, *John Hirst*, *James Horncastle*, *David Hinchliffe*, *William Hinchliffe* of *Cartworth*, *George Hinchliffe*, *Joseph Hinchliff*, *James Hinchliff*, *William Hinchliff* of *Upperthong*, *George Henry Hinchliff*, *John Harpin*, *William Harpin*, *Edwin Harpin*, *Edward Hardy*, *George Jessop*, *Joseph Moorhouse*, *George Moorhouse*,

house, *Sidney Moorhouse*, *William Morehouse* of *Lydgate*, *John Moorhouse*, *Thomas Earnshaw Morehouse*, *John Earnshaw Morehouse*, *Matthew Butterworth Moorhouse*, *John Firth Moorhouse*, *William Moorhouse* of *Paris*, *William Moorhouse* of *Sandy Gate*, *Christopher Moorhouse*, *William Newton*, *Arthur Blenco Newton*, *John Newton* of *Woodhead*, *James Preston*, *George Preston*, *James Robinson*, *George Robinson*, *Robert Ramsden*, *John Roberts*, *George Roberts*, *John Roebuck*, *James Shaw*, *Robert Shaw*, *William Shaw*, *Cookson Stephenson*, *Uriah Tinker*, *Ebenezer Tinker*, *John Tinker*, *Shaw Tinker*, *Abel Tinker*, *Charles Trotter*, *Joseph Turner*, *James Turner*, *Benjamin Wilson*, *Benjamin Wilson* the younger, *James Walker*, *Newton Wimpenny*, *Uriah Wimpenny*, *Samuel Wimpenny*, *Jonas Wimpenny*, *Joseph Wrigley*, *Harrop Wrigley*, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.

Power to appoint additional Trustees.

V. That it shall be lawful for the said Trustees from Time to Time 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.

First Meeting of Trustees.

VI. That the said Trustees shall hold their First Meeting on the Seventeenth Day of *November* One thousand eight hundred and fifty-two at the *White Hart* Inn in *Holmfirth* in the Parish of *Kirkburton* in the said West Riding of the County of *York*, or at some other convenient Place in the Neighbourhood of the said Road, 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 Road as they shall think proper.

Power to appoint Committees.

VII. That the said Trustees may appoint Committees out of their own Number to execute any of the Purposes of this Act, according to such Instructions and Regulations as shall be laid down by the said Trustees at any General Meeting, and the said Committees may proceed and act according to such Appointment, but shall always be accountable according to the Instructions and Regulations so to be made.

Roads to which this Act is applicable.

VIII. That this Act shall be put into execution for the Purpose of more effectually improving, maintaining, and keeping in repair the present Turnpike Road leading from *Holehouse* or *Riding* near *Greenfield* in *Saddleworth*, to join the *Stayley* Turnpike Road, and also

also to join the *Halifax and Sheffield* Turnpike Road, all in the West Riding of the County of *York*.

Present Tolls continued for a Term.

IX. 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 or Toll Bars to be continued or erected on or on the Sides of the said Road until the First Day of *November* One thousand eight hundred and fifty-two.

Power to take Tolls.

X. That upon and after the said First Day of *November* One thousand eight hundred and fifty-two, it shall be lawful for the said Trustees to demand and take at the several and respective Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road, such Tolls as the said Trustees at any of their Meetings shall direct, not exceeding the Sums following; (that is to say,)

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

For every Carriage fixed or fastened in any Manner to any other Carriage, or to any Waggon or Dray, the Sum of Sixpence:

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage, having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, with the entire Soles of such Fellies of a flat Surface, or not deviating more than Half an Inch from a flat Surface, the Sum of Fourpence:

For every Horse, Mule, Ox, or other Beast drawing any Waggon, Wain, Cart, Timber Carriage, Tumbrel, or other Carriage of a like Description, by whatever Name called or known, having the Fellies of the Wheels of the Breadth of Four and a Half Inches and less than Six Inches, or having a Deviation of more than a Quarter of an Inch on the entire Sole of the Fellies from a flat Surface, the Sum of Fivepence; and for an Ass drawing as aforesaid, the Sum of Threepence:

For every Horse, Ox, Mule, or other Beast drawing any Waggon, Wain, Cart, Timber Carriage, Tumbrel, or other Carriage of a like Description, by whatsoever Name called or known, having the Fellies of the Wheels of less Breadth than Four and a Half Inches, or having a Deviation of more than One Quarter of an Inch on the entire Sole of the Fellies from a flat Surface, the Sum of Sixpence; and for an Ass drawing as aforesaid, the Sum of Fourpence:

For every Coach, Carriage, Cart, Wain, Dray, or other Carriage whatsoever, moved, drawn, or propelled by Machinery or Steam

Power, or other Power than by Beasts of Draught, the Sum of One Shilling for each Wheel:

For every Dog drawing any Carriage or Cart whatsoever, the Sum of One Penny:

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

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, Swine, Sheep, or Lambs, the Sum of Fivepence *per* Score, and so in proportion for any less Number:

Which said respective Tolls shall be demanded and taken as aforesaid before any Horse, Mule, Ass, Ox, Beast, or other Cattle or Animal or Carriage whatsoever shall be permitted to pass through any Toll Gate, Toll Bar, or Chain, which shall be by virtue of this Act upon or across the said Road, or on the Sides thereof.

As to the Fraction of a Halfpenny in Tolls.

XI. 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.

Limitation of Tolls to be taken.

XII. That no more than Four full Tolls shall be taken for passing and repassing in 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,) with the same Horses, Beasts, Cattle, or other Animal, Carriage, or Thing liable to Toll or Duty, through all the Toll Gates and Toll Bars erected or to be erected or continued on the said Road; and as Evidence of the Payment of such Tolls, the Driver, Keeper, or Person in charge of such Horses, Beasts, Cattle, or other Animal, Carriage, or Thing liable to Toll or Duty, shall, if required, produce and show to the Keeper of such Toll Gates or Toll Bars, or the Person or Persons authorized by the said Trustees to take such Toll, a Ticket denoting the Payment thereof on that Day.

Persons having paid Tolls to return free.

XIII. That all Horses, Beasts, and Cattle, and Carriages drawn or propelled by other Power than by Beasts of Draught (except Horses, Beasts, or Cattle, or other Animal drawing any Stage Coach, Waggon, or other Stage Carriage, or any Stage Carriage of any Description whatsoever drawn or propelled by other Power than by Beasts of Draught as herein-after mentioned,) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Toll Bar on the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted in returning through the same Toll Gate or Toll Bar to pass free on the same Day, such Day to be computed as aforesaid.

XIV. That

Tolls to be paid twice in a Day at the Lane End Toll Gate.

XIV. That in the Case of the Toll Gate on the said Road at or near a Place called *Lane End*, the Toll herein-before authorized to be taken shall be paid for the passing of any Horse, Beast, or Cattle, or Animal or Thing liable to Toll or Duty, through such Toll Gate or Toll Bar, Twice in One Day (such Day to be computed as aforesaid), and such Horse, Beast, or Cattle, or Animal or Thing so liable to Toll or Duty as aforesaid, shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate or Toll Bar, and also through such other Gate and Gates (if any) upon, across, or on the Sides of the said Roads as the Ticket for such Payment shall free, at any Time and Times during the same Day, to be computed as aforesaid, anything in this Act contained to the contrary thereof in anywise notwithstanding.

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

XV. That the several Tolls hereby made payable on the said Road for and in respect of Horses, Beasts, or Cattle drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage or Stage Carriages drawn or propelled by other Power than Beasts of Draught, conveying Passengers or Goods for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Road.

Postchaises, &c. every new Hiring.

XVI. That the several Tolls hereby made payable on the said Road for or in respect of all Horses or Beasts let out to Hire, and drawing any Postchaise or other Carriage, shall be payable and paid every Time of passing along the said Road, whenever any new Hiring thereof shall take place.

Respecting Toll Gates.

XVII. That the several Toll Gates, Toll Bars, and Toll Houses now standing or being upon the said Road, or on the Sides thereof, shall be continued until removed by any Order of the said Trustees, and it shall be lawful for the said Trustees to order and cause to be set up in or across the said Road or on the Sides thereof, any Toll Gate, Toll Bar, or Toll House, and to remove the present or any future Toll Gates, Toll Bars, or Toll Houses as they shall think proper: Provided always, that such setting up or Removal of such Toll Gates, Toll Bars, or Toll Houses shall be subject to the Provisions thereto applicable contained in the Act of Parliament made and passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Acts relating to Turnpike Roads.*

Power to Trustees to sell and convey Toll Houses and the Ground on which they stand.

XVIII. That it shall and may be lawful for the said Trustees where any Toll House or the Gardens or Appurtenances thereto belonging shall not encroach on the said Road or the Sides thereof, to sell and dispose of any such Toll House as may become useless; and the Land or Ground upon which it stands or may be erected, together with any Garden and Appurtenances belonging thereto, as they

they shall think proper, the Site of which Toll House, Land, or Garden shall have been purchased by the said Trustees under the said recited Act, and shall be vested in the Trustees under this Act, either by public Sale or private Contract, for the best Price that may be obtained for the same, and to convey the same to the Purchaser or Purchasers thereof, and such Conveyance under this Act may be executed by any Three of the said Trustees, and such Conveyance shall be in the Form contained in the Schedule to this Act annexed; and the Purchase Money shall be paid to the Treasurer of the said Trustees for the Time being, and his Receipt alone shall be a good and valid Receipt to such Purchaser for the Purchase Money expressed therein: Provided always, that such and the like Preference and Priority of purchasing at a fair Valuation the Premises so to be sold shall always be given to the Owner of the Land immediately behind the said Toll House and Garden whose Frontage to the said Road shall be obstructed or interfered with by such Toll House and Garden as aforesaid, as is by the Statutes for regulating Turnpike Roads in that Part of *Great Britain* called *England* directed to be given in case of the Sale of any Piece or Pieces of Ground not wanted for the Purposes of a Turnpike Road; but in case any such Toll House as aforesaid shall encroach on the said Road, or any Part thereof, the same shall be pulled down by the said Trustees, and the Site of the said Toll House and Garden, so far as the same formed Part of the Road, shall be laid into the Road and form Part of the same.

Application of Monies.

XIX. That all Monies which shall be received by virtue of this Act upon the said Road shall be applied as follows; (that is to say,)

Firstly, in paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, in paying the Expenses of erecting, providing, and keeping in repair the several Toll Gates and Toll Houses, with their Appurtenances, and in paying the Officers and Persons to be employed in the Execution of this Act with reference to the same; but the Amount so applied shall not exceed the Sum of Fifty Pounds *per Annum* exclusive of the Toll Gate Keepers:

Thirdly, in discharging the Interest at the Rate of Five Pounds *per Centum per Annum* on the said Two several Sums of Three hundred Pounds and Two hundred Pounds above mentioned, or on so much thereof as shall from Time to Time remain unpaid:

Fourthly, in paying off the said Two several Principal Sums of Three hundred Pounds and Two hundred Pounds:

Fifthly, in reducing, paying off, and discharging in manner hereinafter mentioned any Principal Money which may be due and owing on the Credit of the Tolls of the said Road:

Sixthly, in paying the Expenses of improving, maintaining, and keeping in repair the said Road.

XX. That

As to Mode of discharging Debt.

XX. That when and so often as the Sum applicable to the Discharge of the Principal Monies for the Time being owing on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at any general annual or other Meeting, apply such Sum in the Payment of a proportionate Part of the said Principal Monies to Persons entitled thereto, and shall, Twenty-eight Days at least before such general annual or other Meeting, cause Notice to be given of such Meeting and of the Purposes thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the West Riding of the County of *York*, and at such Meeting the Trustees shall apply such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of Monies owing on the Security of the said Tolls to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before such Meeting, have offered to accept the lowest Composition in respect of such Monies, and after Payment to such Creditors as aforesaid shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require), in or towards the Discharge of other Monies owing on the Security of the said Tolls to the Creditor who, by Proposal as aforesaid, shall have offered to accept the next lowest Composition in respect of the Principal Monies due to him, and so in like Manner until the Sum applicable to such Payments shall be exhausted; and if, when Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, it shall be lawful for the Trustees to determine, by Lot, the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors as the Trustees think fit; and if there be no such Proposal as aforesaid, or if there be any Surplus of the Sum applicable to such Payments, after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which any such Proposals relate, the Trustees may apply the Sum applicable to such Payments or the Surplus thereof (as the Case may be) rateably amongst the Creditors on the said Tolls, or may apply the same to such of them as may be determined by Lot, as the Trustees think fit.

Arrears of Interest on certain Monies extinguished.

XXI. That all Arrears of Interest which shall be due at the Time of the passing of this Act upon the respective Sums of Money so advanced as aforesaid be and the same are hereby extinguished, save and except any Interest which may be due at the Time of the passing of this Act upon the Two several Sums of Three hundred Pounds and Two hundred Pounds herein-before mentioned.

Mortgagees not to take possession.

XXII. That no Holder of any Mortgage shall be entitled to enter into possession of the Toll Gates, Bars, Chains, or Toll Houses or Buildings upon the said Road, or into receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls.

No more Money to be borrowed on Credit of Tolls.

XXIII. That it shall not be lawful for the said Trustees to borrow any Sum of Money after the passing of this Act upon the Security of the Tolls hereby authorized to be levied and taken.

No Money to be taken or laid out in Towns.

XXIV. That no Money shall be laid out on the said Road within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

Trustee or Clerk competent Witness.

XXV. 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 other Proceeding.

Road not exempted from Provisions of General Turnpike Acts.

XXVI. That nothing herein contained shall be deemed to exempt the said Road from the Provisions of any General Act now in force concerning Turnpike Roads in *England*, so far as the same are not inconsistent with nor repugnant to this Act or 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.

Term of Act.

XXVII. That this Act shall commence on the First Day of *November* next after the passing hereof, 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.

Interpretation of Terms.

XXVIII. 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,)

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

The Word "Person" shall be understood to include "Corporation:"

Words importing the Masculine Gender shall include Females:

The Expression "the Trustees" or "the said Trustees" shall mean the Trustees for the Time being acting in the Execution of this Act.

SCHE-

SCHEDULE referred to by this Act.

By virtue and in pursuance of an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her Majesty Queen Victoria, intituled "The Greenfield and Shepley Lane Head Road Act, 1852," in consideration of the Sum of to *A.B.*, the Treasurer appointed by the Trustees for putting the said Act into execution, having been this Day paid by *C.D.* of we, whose Names are hereunto subscribed and Seals affixed, being Three of the said Trustees, do hereby grant, release, and convey unto the said *C.D.*, his Heirs and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, to hold the Premises to the said *C.D.*, his Heirs and Assigns, for ever, according to the true Intent and Meaning of the said Act. In witness whereof we have hereunto set our Hands and Seals the Day of in the Year of our Lord

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