ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. lv.

An Act for more effectually repairing the Road from *Barnby Moor* in the County of *Nottingham* to *Maltby* in the County of *York*, and from *Whiston* to *Rotherham* in the said County of *York*.

[30th *June* 1856.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road* 7 G. 4. c. xl.
from the Great North *Road* at Barnby Moor *in the County of* Nottingham *to the Turnpike Road leading from* Bawtry *to* Tinsley *in the County of* York, *and from the said* Bawtry and Tinsley *Turnpike Road, at the North-east End of* Blackhill Lane, *to the Town of* Rotherham *in the said County of* York:" And whereas the Term granted by the recited Act, and from Time to Time continued by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, will expire on the First Day of *November* One thousand eight hundred and fifty-six, unless the same be further continued: And whereas considerable Sums of Money are now due and owing upon the Credit of the Tolls authorized to be collected on the

Roads, amounting together to the Sum of Twelve thousand three hundred and ninety-two Pounds Six Shillings and Sixpence, or thereabouts; (that is to say,) the Sum of Six thousand four hundred and fifty Pounds, or thereabouts, being the original Debt of the Trust contracted previously to the Eighteenth Day of *November* One thousand eight hundred and twenty-eight; the Sum of Three thousand Pounds, or thereabouts, lent and advanced to the Trustees in consideration of the Mortgagees of the Tolls in respect of such Sum of Six thousand four hundred and fifty Pounds, or thereabouts, consenting to the Payment of the Interest thereon being postponed until the Mortgagees of the Tolls in respect of such Sum of Three thousand Pounds had received their Interest, and likewise that such Mortgagees in respect of such Sum of Six thousand four hundred and fifty Pounds, or thereabouts, should not be repaid any Portion of their Principal Money until such Mortgagees, in respect of such Sum of Three thousand Pounds, or thereabouts, had been repaid such Three thousand Pounds; and of the Sum of Two thousand nine hundred and forty-two Pounds Six Shillings and Sixpence, or thereabouts, bearing Interest at the Rate of Two Pounds and Ten Shillings *per Centum per Annum*, in respect of Arrears of Interest due on the Fourteenth Day of *November* One thousand eight hundred and thirty-six on such Sum of Six thousand four hundred and fifty Pounds, or thereabouts, in consideration of the Persons entitled to such Principal Money consenting to accept such an Amount as the Finances of the Roads would allow the Trustees to pay annually in full for the Interest which might from Time to Time grow due on their several Securities: And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof; but these Purposes 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, as follows; (that is to say,)

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

I. Upon the Commencement of this Act the recited Act of the Seventh Year of the Reign of His Majesty King *George* the Fourth is hereby repealed, and this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "*Rotherham and Barnby Moor* Road Act, 1856."

Interpretation of Terms.

III. In the Construction of this Act the following Words and Expressions have the several Meanings hereby assigned to them, unless

unless such Meanings be repugnant to or inconsistent with the Context (that is to say,)

The Word "Person" shall include "Corporation":

The Expression "the Trustees" shall mean the Trustees for the Time being for executing this Act:

The Expression "the Roads" shall mean the Roads to which this Act relates:

The Expression "Toll Gate" or "Toll Gates" shall include Turnpike Gates, Toll Bars, Side Gates, Side Bars, and Toll Chains.

Moneys and Property vested in Trustees.

IV. All Rents, Arrears of Tolls, and other Moneys due to, and all Moneys, Property, and all Choses in Action vested in, the Trustees under the Act hereby repealed, shall 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 fully and effectually as if the same had been vested in them under the said Act hereby repealed; and they shall be liable to all the Debts and Engagements to which the Trustees for executing the recited Act were liable at the Time of the Repeal thereof, except such as are altered, reduced, or extinguished by this Act.

Trustees.

V. All Her Majesty's Justices of the Peace for the Time being acting for the County of *Nottingham* and for the West Riding of the County of *York* respectively, together with the Reverend *John Foster Aldred*, *John Carver Athorpe*, *John Athorpe*, *Charles Atkinson*, *Thomas Badger*, *Benjamin Badger*, *Thomas Smith Badger*, *Henry Beevor*, *John Boomer*, *Samuel Barker*, Reverend *Edward Brooksbank*, *Robert John Bentley*, *William Chapman*, *Thomas Crofts*, *George Chapman*, *William Dunhill*, *Henry Ellison*, Reverend *John Foster*, *John Foster*, *George Foster*, *Frederick William Flower*, *John Fullerton*, *Thomas Grey Fullerton*, Reverend *Arthur Fullerton*, *George Colton Fox*, *Roger Haywood*, *Joseph Haywood*, *John Haywood*, *John Horncastle*, *William George Hodgkinson*, *Fretwell William Hoyle*, *Robert Cutforthay Hoyle*, *John Hodgson*, *John Hall*, Reverend *William Hartley*, *James Shemeld Jubb*, *John Jubb*, *Henry Jubb* of *Rotherham*, *Henry Jubb*, *William Jubb*, *Lyons Kerans*, *Anthony Francis Butler Saint Ledger*, *Richard Lindley Loxley*, *Richard George Lumley*, Colonel *William Mellish*, Reverend *Thomas Mountain*, *John Millward*, *George Nicholson*, *William Owen*, *William Henry Oxley*, *William Parkin*, *William John Pickard*, Reverend *George Rolleston*, Reverend *Robert Rolleston*, *Edward Robinson*, *John Styring*, *Thomas Swan*, *Horatio Sorby*, *Thomas Toone*, *William Wasteneys Toone*, *George Clarke Walker*, Reverend *Montague Woodyeare*, *Francis Wragg*, *John Wheatcroft*, *John Waring*, *William Waring*, *James Yates*, *George Wilson*, *Thomas Wilson*, *Joseph Wilkinson*, and their Successors,

cessors, 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.

Power to appoint additional Trustees.

VI. The Trustees may at any Meeting 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 executing this Act, in addition to the Trustees hereby appointed, 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.

VII. The Trustees shall hold their First Meeting at the *Swan* Inn in *Maltby* in the County of *York*, or at some other convenient Place on or near the Roads, on the Second *Thursday* next after the Commencement of this Act, or as soon after as conveniently may be, and proceed to the Execution of this Act; and the Trustees may from Time to Time adjourn themselves to meet at such Time and at such Place in the Neighbourhood of the Roads as they shall think proper.

Roads to which this Act is applicable.

VIII. This Act shall be put in execution for and during the Term herein-after mentioned, for the Purpose of amending, widening, improving, and keeping in repair the present Turnpike Road leading from *Barnby Moor* in the County of *Nottingham*, commencing at the Eastern End of *Blyth Lane* in the Parish of *Blyth*, to the Turnpike Road leading from *Bawtry* to *Tinsley* at the Western End of *Lister Lane* in the Town of *Maltby* in the County of *York*; and also the Road from the said *Bawtry and Tinsley* Turnpike Road, commencing at the North-eastern End of *Blackhill Lane* in the Parish of *Whiston* in the said County of *York*, to the Eastern End of *Wellgate Street* in the Town of *Rotherham* in the same County.

Power to take Tolls.

IX. The Trustees or their Lessee, in pursuance of any subsisting Lease, may continue to collect and receive the Tolls as taken upon the Roads previous to the Commencement of this Act until the First Day of *January* One thousand eight hundred and fifty-eight, and from and after such First Day of *January* the Trustees may demand and take, or cause to be demanded and taken, at the several and respective Toll Gates which shall be upon or at the Side of the Roads, such several and respective Tolls as the Trustees shall from Time to Time direct, not exceeding the Sums following; (that is to say,)

For every Horse or Beast drawing any Coach, Chariot, Phaeton, Calash, Curricle, Gig, Chair, Taxed Cart, Car, Caravan, Van, Sleigh, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of less Breadth than Four and a Half Inches, the Sum of Sixpence:

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of the Breath of Four and a Half Inches and less than Six Inches, the Sum of Fivepence:

For every Horse or Beast drawing any Waggon, Wain, Cart, or other such Carriage, with Wheels of the Breadth of Six Inches or upwards, the Sum of Fourpence:

For every Carriage not drawn by any Horse or other Beast, but propelled or moved along the Roads by Machinery, or otherwise than by Animal Power, the Sum of One Shilling for each Wheel of such Carriage:

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

For every Drove of Oxen or Neat Cattle, the Sum of Tenpence *per* Score, and so in proportion for any greater or less Number:

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

Which said Tolls shall be paid before any Horse, Beast, Cattle, or Carriage whatsoever, in respect of which a Toll is payable, shall pass through any Toll Gate which shall be upon or at the Side of the Roads.

As to the Fraction of a Halfpenny in Tolls.

X. 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.

Tolls to be paid but once a Day at the same Gate, except, &c.

XI. Every Horse, Beast, Animal, and Carriage in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate upon or at the Side of the Roads shall, upon the Production of a Ticket denoting such Payment, be permitted to pass Toll-free for any Number of Times on the same Day through the same Toll Gate, or any other Toll Gate which the Ticket for such Payment shall free, except in the Cases herein-after mentioned.

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

XII. No more than Three full Tolls shall be taken (except in the Cases in this Act mentioned) for passing or repassing any Number of Times on the same Day with the same Horses, Beasts, or Carriages through all or any of the Toll Gates upon or at the Side of the Roads.

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

XIII. The Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Carriage conveying Passengers or Goods for

for Hire or Reward, or for or in respect of any Stage Coach, Stage Waggon, Stage Cart, Van, Caravan, or other Carriage propelled by Machinery used for the same Purpose, shall be payable and paid every Time of passing or repassing along the Roads.

Postchaises, on every new Hiring.

XIV. The Tolls hereby made payable for or in respect of Horses or other Beasts let out to Hire, and drawing any Postchaise or other Carriage, or for or in respect of any Postchaise or other Carriage propelled by Machinery, let out to Hire, shall be payable and paid every Time of passing or repassing along the Roads whenever any new Hiring thereof shall take place.

Tolls on Horses drawing different Carriages.

XV. The Tolls by this Act made payable in respect of Horses, Beasts, or Animals drawing any Carriage or Vehicle whatsoever shall be paid for every Time during the same Day that any such Horse, Beast, or Animal shall pass through any Toll Gate on the Roads drawing any laden Carriage or Vehicle other than that which such Horse, Beast, or Animal shall have been employed in drawing at any former Time during the same Day when Tolls shall have been paid in respect of such Horse, Beast, or Animal.

Trustees may accept an Offer for extended Period for Lease of Tolls.

XVI. If, before the Expiration of any Lease or Agreement to take to farm the Tolls by this Act granted, or any of them, the Trustees shall receive an Offer for a Lease or Agreement to take to farm such Tolls for a further Period not exceeding Three Years, at a Rent or yearly Payment exceeding the Rent or yearly Payment then paid for such Tolls, and if the Trustees shall be of opinion, and resolve that in their Judgment it will be more beneficial to the Trust, that such Offer should be accepted than that the Tolls should be put up to Auction in the Manner provided by Section Fifty-five of the General Turnpike Act, Third *George* the Fourth, Chapter One hundred and twenty-six, the Trustees may accept such Offer, and carry the same into effect, anything contained in such Fifty-fifth Section to the contrary notwithstanding.

Extinguishment of Arrears of Interest.

XVII. And whereas the Principal Money now owing on the Credit of the Tolls authorized to be taken on the Roads amounts to the Sum of Nine thousand four hundred and fifty Pounds, with the Sum of Two thousand nine hundred and forty-two Pounds Six Shillings and Sixpence, being an Arrear of Interest converted into Principal; and also a further Arrear of Interest amounting to the Sum of Two hundred and thirty-four Pounds and Fifteen Shillings: Be it enacted, That the whole of such respective Sums of Two thousand nine hundred and forty-two Pounds Six Shillings and Sixpence, and Two hundred and thirty-four Pounds and Fifteen Shillings, shall be and the same are hereby extinguished.

XVIII. All

Application of Moneys.

XVIII. All Moneys which shall come to the Hands of the Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, In paying and discharging the Expenses of obtaining and passing this Act, or incident thereto:

Secondly, In paying the Expenses of erecting and providing, altering, and keeping in repair the Toll Gates, Toll Houses, and Weighing Machines, and their Appurtenances, and in paying the Salaries and Remuneration to be made to Officers and other Persons employed by the Trustees, and the Cost attending the Management of the Roads; but the Amount so applied shall not exceed the Sum of Seventy Pounds *per Annum*, exclusive of the Wages of Toll-gate Keepers, and Expenses of Actions at Law, and Indictments and Proceedings before Justices of the Peace:

Thirdly, In paying Interest after the Rate of Three Pounds *per Centum per Annum* upon such Principal Sum of Three thousand Pounds, or thereabouts, or on so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the Roads:

Fourthly, In paying Interest after the Rate of One Pound and Five Shillings *per Centum per Annum* upon such Principal Sum of Six thousand four hundred and fifty Pounds, or thereabouts, or on so much thereof as shall for the Time being be owing on the Credit of the Tolls authorized to be taken on the Roads:

Fifthly, In paying the Expenses of maintaining and keeping in repair the Roads, not exceeding Ninety Pounds *per Annum*:

Sixthly, In reducing, paying off, and discharging, in manner hereinafter mentioned, first, such Principal Sum of Three thousand Pounds, or thereabouts; and, secondly, such Principal Sum of Six thousand four hundred and fifty Pounds, or thereabouts, or such respective Parts thereof as shall be for the Time being due and owing on the Credit of the Tolls authorized to be taken on the Roads:

And lastly, In further paying the Expenses of maintaining and keeping in repair the Roads.

Interest not to accrue until Expenses of Act are paid.

XIX. Provided always, That any Interest on such Principal Sums of Three thousand Pounds and Six thousand four hundred and fifty Pounds shall not accrue or become due until after the Expenses of the obtaining and passing this Act are paid.

As to the Mode of discharging Debt.

XX. When and so often as the Sum applicable to the Discharge of any Class of Principal Moneys for the Time being due on the Credit of the said Tolls shall amount to the Sum of Two hundred Pounds, the Trustees shall, at some General Annual or other Meeting, apply such

such Sum in the Payment of a proportionate Part of the said Principal Moneys to the 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 Object or the Purpose thereof, so far as the same shall relate to the Application of such Sum, in some Newspaper published in the County of *York*, or by Letter addressed to each Mortgagee; 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 Moneys in such Class owing on the Credit 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 Moneys, and, after Payment to such Creditor as aforesaid, shall apply the Surplus (if any) of such Sum, or a Portion thereof, (as the Case may require,) in or towards the Payment of other Moneys in such Class owing on the Credit 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 Money due to him, and so in like Manner until the Sum applicable to such Payment shall be exhausted; and if and whenever Two or more Creditors, by such Proposals as aforesaid, shall have offered to accept an equal Rate of Composition, the Trustees may determine by Lot the Preference between or amongst such Creditors, or pay such Composition rateably between or amongst such Creditors, as the Trustees shall 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 Moneys to which such Proposals as aforesaid 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 pay the same to such of them as may be determined by Lot, or otherwise, as the Trustees shall think fit.

Mortagees not to enter into possession but for Arrears of Interest.

XXI. Whenever and so long as the Interest of any Mortgage upon the Tolls of the Roads shall be duly paid, at the Rate in this Act mentioned, within Three Months next after the same shall become due, the Holder of such Mortgage shall not be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Roads, or into the Receipt of the Tolls arising thereon, or of the Rent payable upon any letting of such Tolls; and every Mortgagee entering into possession of such Toll Gates, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rent, shall pay the Interest from Time to Time becoming due, at the Rate in this Act mentioned, upon all the Principal Sums for the Time being owing on the Credit of the said Tolls, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such

such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the yearly Days whereon the Interest on such Principal Sums shall be payable, render to the Clerk of the Trustees for the Time being a full and true Account of his Receipts and Expenditure while so in possession or receipt as aforesaid, with proper Vouchers for the same; and if it shall appear by any such Account that the Interest due at the Rate in this Act mentioned on such Principal Sums up to the last of such yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver Possession of the Toll Gates, Toll Houses, and Buildings, and the Receipt of the said Tolls, and of any such Rent as aforesaid, to the Trustees, or any Person appointed by them to receive the same; anything in this Act or in any Statute or Law in force relating to Turnpike Roads in *England* to the contrary notwithstanding.

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

XXII. No Money shall be laid out on any Portion of the Roads comprised within the Limits of any Local Act of Parliament passed for the Improvement of any Town, nor shall any Toll be collected therein.

No Floodgates or Obstructions in the Watercourses to be made so as to injure Roads.

XXIII. If any Person shall erect or place any Sluice, Dam, Floodgate, or other Obstruction in any Brook or Watercourse, whereby or by means whereof the Roads or any Part thereof shall be flooded, damaged, or injured, or rendered unsafe, or shall make, lay, or open any new Ditch, Drain, Pipe, or Watercourse into the Roads or any Part thereof, or shall deepen or widen any Ditch, Drain, or Watercourse already made into or on the Sides of the Roads or any Part thereof, or shall inclose or take in any Ditch, Drain, Pipe, or Watercourse lying on the Outside of his Paling, Hedge, or other Fence, then and in every such Case the Surveyor to the Trustees, and the several Workmen to be employed by him, may take down and remove every such Sluice, Dam, Floodgate, or other Obstruction, and convert the Materials thereof for the Benefit of the Roads, and also stop, fill up, and destroy all and every such Ditches, Drains, Pipes, and Watercourses, and pull down and remove the Buildings, Walls, Paling, or other Fences so inclosing such Ditches, Drains, Pipes, or Watercourses, and the Person erecting or placing such Sluice, Dam, Floodgate, or other Obstruction, or making, opening, deepening, widening, or inclosing such Ditch, Drain, Pipe, or Watercourse, shall for every such Offence forfeit and pay to the Trustees any Sum not exceeding Five Pounds, over and above the Costs and Charges of taking up and removing such Sluice, Dam, Floodgate, or other Obstruction, or filling up such Ditch, Drain, Pipe, or Watercourse,

or pulling down or removing such Buildings, Walls, or other Fences as aforesaid.

Roads not exempt from Provisions of General Acts.

XXIV. 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.

Commencement and Term of Act.

XXV. This Act shall commence on the First Day of *November* 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.

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