ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xciv.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Rotherham and Pleasley* Turnpike Road.

[17th *June* 1852.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for amending, repairing, and maintaining the* 7 G. 4. c. 88.
Turnpike Road from the South End of the Town of Rotherham *in the County of* York *to the present Turnpike Road near* Pleasley *in the County of* Derby: And whereas the Term granted by the said recited Act and continued from Time to Time by virtue of divers Acts of Parliament for continuing certain Turnpike Acts for limited Periods, and the Powers granted by the said recited Act, will expire on the First Day of *November* One thousand eight hundred and fifty-two, unless the same be further continued: And whereas the Trustees acting in execution of the said recited Act have, in pursuance of the Powers and Authorities thereby given, borrowed considerable Sums of Money on the Credit of the Tolls granted by the said recited Act, which still remain due and owing, and the said Money cannot be paid off, nor can the said Road be effectually kept in repair, unless the Term granted by the said recited Act and so continued as afore-

said be further continued and further Powers be granted: And whereas it is considered expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted instead thereof, but the same cannot be effected without the Authority of Parliament: May it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Recited Act repealed, and this Act to be put in force.

I. That upon the Thirty-first Day of *October* next after the passing of this Act the said recited Act shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.

Monies and Property vested in new Trustees.

II. That all Rents, Arrears of Tolls, and other Monies due to, and all Monies, Property, and Choses in Action vested in, the Trustees under the Act hereby repealed shall, immediately on the Commencement of this Act, be vested in the Trustees for executing this Act; and such last-mentioned Trustees may sue for and recover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 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 acting under the said recited Act were liable at the Repeal thereof, except such Debts and Engagements as are by this Act extinguished.

Appointment of Trustees.

III. 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 for the County of *Derby*, together with *John Aldred*, the Reverend *John Thomas Foster Aldred*, *Francis Rokeby Appleby*, *Alfred Alderson*, *Thomas Badger*, *Thomas Smith Badger*, *Joseph Badger*, *Benjamin Badger*, *Robert John Bentley*, *John Boomer*, *John Boomer* the younger, *John Clarke*, *Peter Cadman*, *Henry Cadman*, *John Moore Coupland*, *Charles Leach Coward*, *William Chapman*, *Matthew Chambers*, *Thomas Didsbury*, *Henry Dyson*, the Reverend *Edmund Estcourt*, the Honourable and Reverend *Thomas Erskine*, *John Ellison*, *George Coulton Fox*, the Reverend *John Foster*, *George Foster*, *John Foster* of *Newhall*, *William Hounsfield*, *Joseph Haywood*, *John Haywood*, *James Hodgson*, the Reverend *Richard Hartley*, *Robert Cutforthay Hoyle*, *Benjamin Handley*, *John Hall*, *Matthew Habershon*, *Henry Jubb* of *Handsworth*, *Henry Jubb* of *Rotherham*, *James Shemeld Jubb*, *John Jubb*, *Thomas Jeffcock*, *Edward Jeffcock*, *Lyons Kerans*, *William Lowe*, the Reverend *Thomas Mountain*, *Francis Middleton*, *Charles Morton*, *William Moss*, *Francis Moss*, *Robert Marsh*, *John Newton Mappin*, *Thomas Need*, *William Newbold*, *Henry Newbold*, *John Oxley*, *John Wright Potter*, *William Parkin*, *Charles Rotherham*, *John Staveley*,

Staveley, Edwin Sorby, Richard Sorby, Horatio Sorby, Richard Swallow, William Townend Smelter, Edward Lane Sidebottom, William Sikes, Matthew Schorah, William Scorah, the Reverend *Bernard Watkins, Robert Webster*, the Reverend *Charles Walter Whiter, Arthur Walker, George Clarke Walker, George Wright, Charles Wright, Thomas Newman Bardwell*, 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.

IV. That it shall be lawful for the said 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.

First Meeting of Trustees.

V. That the said Trustees shall hold their First Meeting at the *Crown Inn* in the Town of *Rotherham* aforesaid, or at some other convenient Place in the Neighbourhood of the said Road, on the Day of the Commencement of this Act, between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then, and from Time to Time thereafter, adjourn to and meet at such Time and at such Places in the Neighbourhood of the said Road as they shall think proper.

Power to appoint Committees.

VI. That the said Trustees may appoint a Committee or Committees out of their own Number to take the Care and Management of any particular Part or Parts of the said Road, or to execute any of the Purposes of this Act, according to such Rules, Instructions, and Regulations as shall be made or laid down by the said Trustees at any General or Special Meeting, and the said Committee or Committees, and their Surveyor or Surveyors, may proceed and act according to such Appointment, but shall always be accountable according to the Rules, Instructions, and Regulations to be made or laid down.

Road to which Act is applicable.

VII. That this Act shall be put in execution for the Purpose of more effectually improving, maintaining, and keeping in repair the Turnpike Road leading from the South End of the Town of *Rotherham* in the County of *York* through the Towns, Villages, or Places of *Whiston* and *Aughton*, from thence to the Towns of *Clown* and *Stoney Houghton*, to the present Turnpike Road, near the Town of *Pleasley*, which leads from the Town of *Mansfield* to the Town of *Chesterfield*.

VIII. That

Present Tolls continued for a Time.

VIII. 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, Turnpikes, or Toll Bars to be continued or erected on or on the Sides of the said Road, until the Fifth *Tuesday* next after the Commencement of this Act.

Tolls to be taken.

IX. That upon and after the Fifth *Tuesday* next after the Commencement of this Act, and at all Times thereafter, it shall be lawful for the said Trustees to demand and take or cause to be demanded and taken, at the several and respective Toll Gates, Turnpikes, and Toll Bars which shall 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, Ass, or other Beast of Burden drawing any Coach, Chariot, Landau, Barouche, Sociable, Curricle, Phaeton, Chaise, Hearse, Break, Whiskey, Gig, Fly, Chair, Car, taxed Cart, Market Cart, or other such like Carriage, the Sum of Fourpence:

For every Horse, Mule, or other Beast drawing any Waggon, Wain, Cart, or other such like Carriage the Fellies of the Wheels whereof shall be of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, the Sum of Fourpence Halfpenny:

For every Horse, Mule, Ass, or other Beast of Burden drawing any Waggon, Wain, Cart, Caravan, Truck, or other such like Carriage having Wheels of the Breadth of Four Inches and a Half and less than Six Inches, the Sum of Fourpence:

For every Horse, Mule, Ass, or other Beast of Burden drawing any Waggon, Wain, Cart, Caravan, Truck, or other such like Carriage having Wheels of the Breadth of Six Inches and upwards, the Sum of Threepence:

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

For every Dog or Goat drawing any Truck, Cart, or other Carriage or Vehicle, the Sum of One Penny:

For every Drove of Oxen or other 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:

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

Which said Tolls shall be taken before any Horse, Mule, Ass, or other Beast or Animal, Cattle, or Carriage whatsoever shall be permitted

permitted to pass through any Toll Gate, Turnpike, or Bar which shall be continued or erected by virtue of this Act upon or across the said Road or on the Side thereof.

As to the Fraction of a Halfpenny in Tolls.

X. That in all Cases where there shall be a fractional Part of a Halfpenny on the Amount of the Tolls by this Act authorized to be collected, the Sum of One Halfpenny shall be payable and paid in lieu of such fractional Part.

Only Five full Tolls to be payable.

XI. That no more than Five full Tolls shall be taken (except in the Cases herein-after mentioned) for passing and repassing the whole Line of Road on the same Day (such Day to be computed, for the Purposes of this Act, 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 Duty through all or any of the Turnpikes, Toll Gates, or Bars to be continued or erected upon, across, or at the Side of the said Road.

Persons having paid Toll to return Toll-free.

XII. That all Horses, Beasts, Animals, and Cattle, (except Horses, Beasts, Animals, or Cattle drawing any Stage Coach, Van, Waggon, Caravan, Omnibus, or other Stage Carriage as herein-after mentioned,) in respect whereof the Tolls hereby authorized to be taken shall have been paid at any Toll Gate, Turnpike, or Bar on the said Road, or on the Side thereof, shall, upon the Production of a Ticket or Tickets denoting such Payment, in returning through the same Toll Gate, Turnpike, or Bar, and in going through such other Toll Gate, Turnpike, or Bar (if any) as the Tickets for such Payment shall free, be permitted to pass Toll-free the same Day, except as herein-after mentioned.

Fresh Tolls to be paid on every Change of Carriage.

XIII. That the Tolls hereby made payable shall be paid for all Horses, Beasts, Animals, or Cattle drawing any Carriage as often as such Carriage shall be changed, in the same Manner as if no previous Payment of Tolls in respect of such Horses, Beasts, Animals, or Cattle had been made on the same Day.

Postchaises, &c. to pay every fresh Hiring.

XIV. That the Tolls hereby made payable shall be paid for all Horses, or other Beasts, or other Animals not drawing, which shall be let out to hire, and for all Horses and other Beasts or Animals drawing any Post Chaise or other Carriage let out to hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses, Beasts, or Animals had been made on the same Day.

Regulations as to Stage-Coaches, &c.

XV. That the Tolls hereby made payable for or in respect of all Horses or other Beasts drawing any Stage Coach, Van, Waggon, Caravan,

Caravan, Omnibus, or other Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward shall be payable and paid for every Time of passing or repassing through any of the said Turnpikes, Toll Gates, or Toll Bars respectively.

Respecting Toll Gates.

XVI. That the several Toll Gates, Bars, Chains, 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, upon, or across the said Road, or on the Sides thereof, any Toll Gates, Turnpike, Bar, or Toll House, and to remove the present or any future Toll Gate, Turnpike, Bar, or Toll House: Provided always, that no Toll Gate shall be removed, erected, or set up upon or across the said Road, or on the Sides thereof, except the same shall be ordered to be removed, erected, or set up at a Special Meeting of the Trustees holden for that Purpose, in conformity with and after such Notices as are required by the Fifth Section of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Acts for regulating Turnpike Roads*.

Mortgagees not to take possession of Toll Houses, &c. but for Arrears of Interest.

XVII. That whenever and so long as the Interest upon all existing Mortgages upon the Tolls of the said Road shall be duly paid, at the Rate herein-after mentioned, within One Calendar Month next after the same shall become due, no Holder of any Mortgage shall be entitled to enter into possession of the Toll Gates, Bars, Chains, Toll Houses, or Buildings upon the said Road, 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, Bars, Chains, Toll Houses, or Buildings, or into the Receipt of such Tolls or Rents, shall pay the Interest from Time to Time becoming due, at the Rate herein-after mentioned, upon all the said existing Mortgages, without any Priority or Preference, and may also reimburse himself any Costs to which he may be entitled; and every such Mortgagee so being in possession or receipt as aforesaid shall, within Twenty-one Days next after each of the half-yearly Days whereon the Interest on such existing Mortgages shall be payable, render to the Clerk to the said 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 herein-after mentioned on such Mortgages up to the last of such half-yearly Days, and all such Costs as aforesaid, have been fully paid and satisfied, then such Mortgagees shall, when thereunto required by the said Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said Toll Gates, Bars, Chains, Toll Houses, and Buildings, and the Receipt of

the said Tolls, and of any such Rent as aforesaid, to the said 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.

Extinguishing Part of existing Debt and Interest.

XVIII. And whereas in or about the Year One thousand eight hundred and thirty-seven the Trustees acting under the said recited Act granted Mortgages of the Tolls of the said Road to the several Creditors of the Trust for the Amount then due to them respectively for Interest in arrear on their Securities, which Mortgages amounted in the aggregate to the Sum of Two thousand three hundred and ninety-two Pounds Eight Shillings, and that Sum, together with a large Arrear of Interest thereon, is still due and owing upon such Mortgages: Be it enacted, That from and after the passing of this Act the said several Mortgage Debts amounting in the whole to the said Sum of Two thousand three hundred and ninety-two Pounds Eight Shillings, and all Interest which may have accrued due thereon, shall be and the same are hereby respectively extinguished and shall cease to be a Charge or Charges upon the said Road or upon the Tolls thereof.

Fixing the future Amount of Debt, and extinguishing Arrears of Interest.

XIX. And whereas there was due and owing to the several Creditors of the Trust under the said recited Act, in the Year One thousand seven hundred and seventy-two, Sums amounting in the aggregate to Five thousand seven hundred and eighty-six Pounds, and that Sum, together with a large Arrear of Interest thereon, is now due and owing by the Trustees acting under the said recited Act: Be it enacted, That such Sum of Five thousand seven hundred and eighty-six Pounds shall, after the passing of this Act, be deemed and taken to be the total Amount of Debt due and owing from or by the Trustees under the recited Act, and for which the Trustees under this Act are to be liable; and that all Interest which may have accrued, due upon the said last-mentioned Sum, shall be deemed to be and the same is hereby extinguished, and shall not be a Charge upon the said Road, or upon the Tolls thereof.

Application of Monies.

XX. That all Monies which shall come to the Hands of the said Trustees by virtue of this Act shall be applied as follows; (that is to say,)

First, in paying and discharging the Costs and Expenses attending the applying for, obtaining, and passing this Act, or in any Manner incidental thereto;

Secondly, in paying the Expenses (not exceeding the Sum of Twenty-five Pounds in any One Year) of erecting or providing, altering and repairing Toll Gates and Toll Houses;

Thirdly,

Thirdly, in paying the annual Salaries of the Officers employed in the Execution of this Act, and the Costs attending the Management of the said Road, such Salaries and Costs not to exceed in the whole the Sum of Thirty-five Pounds in any One Year over and above the Costs of prosecuting and defending any Actions, Suits, and Proceedings which may be brought or taken by or against the said Trustees;

Fourthly, in paying Interest, at the Rate of Two Pounds Ten Shillings *per Centum per Annum*, upon the said Principal Sum of Five thousand seven hundred and eighty-six Pounds, or so much thereof as shall for the Time being remain due and owing on the Credit of the Tolls authorized to be taken on the said Road;

Fifthly, in reducing, paying off, and discharging the said Principal Sum, or so much thereof as shall for the Time being be due and owing on the Credit of the Tolls authorized to be taken on the said Road: Provided always, that when the whole of the said Principal Sum shall have been discharged the Trustees may apply such Sum as may from Time to Time be necessary, beyond the said annual Sum of Twenty-five Pounds, towards maintaining and keeping in repair the said Road.

No Money to be laid out in repairing Rotherham Streets.

XXI. That no Part of the Money received under the said Act hereby repealed, or to be received under this Act, shall be laid out in repairing the Road or Streets in any Part of the said Town of *Rotherham*, or any Towns within the Limits of any Act for the Improvement thereof, or be collected therein.

As to Mode of discharging Debt.

XXII. 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 One 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 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 Purposes thereof, so far as the same shall relate to the Application of such Sum, by Circular, addressed to each Creditor at his last known Place of Abode, and forwarded to him by Post; 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 Creditor as aforesaid, shall apply the Surplus (if any) of such Sum, or a Portion thereof (as the Case may require),

require), in or towards the Payment 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 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, 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 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 as far as may be necessary in or towards the Discharge of the Monies 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, as the Trustees shall think fit.

No more Money to be borrowed on the Tolls.

XXIII. That it shall not be lawful for the said Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act authorized to be taken.

Road not exempted from Provisions of future General Acts.

XXIV. That nothing herein contained shall be deemed or construed to exempt the Road 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.

Act not to interfere with Powers of Commissioners acting under 41 G. 3. c. 66.

XXV. That nothing herein contained shall extend or be construed to extend to interfere with the Powers of the Commissioners named and appointed under and by virtue of an Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging and improving the Market Place within the Town of* Rotherham *in the West Riding of the County of* York, *and for widening and rendering more commodious the Streets and Avenues leading thereto, and for cleansing, lighting, and regulating the Streets and other public Passages and Places within the said Town*, or any Act to be passed in the present or any future Session of Parliament repealing the same, anything herein contained to the contrary notwithstanding.

Term of Act.

XXVI. That this Act shall commence and take effect 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.

Interpretation of Terms.

XXVII. 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 Plural 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 execution of this Act:

The Expression "the Road" or "the said Road" shall mean the Road to which this Act applies:

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

Short Title.

XXVIII. 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 *Rotherham and Pleasley* Turnpike Road Act, 1852."

Public Act.

XXIX. That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

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