ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. xciii.

An Act to repeal the Act for repairing and maintaining the *Wakefield and Denby Dale* Turnpike Road, and to make other Provisions in lieu thereof. [17th *June* 1852.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road* 6 G. 4. c. 38.
from Wakefield *to join the* Shepley Lane Head *Turnpike Road in* Denby Dale *in the Parish of* Penistone, *with certain Branches, all in the West Riding of the County of* York: And whereas the Trustees acting in the Execution of the said Act duly made the Road and Branches, and also a Bridge over the River *Calder*, by the said Act authorized to be made: And whereas the Powers granted by the said Act, and continued from Time to Time 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-two, unless the same be in the meantime further continued: And whereas considerable Sums of Money have been advanced upon the Credit of the Tolls by the said Act authorized to be taken, which Money still remains owing, together with Interest thereon; and such Money cannot be paid off unless further Powers are granted:

The Wakefield and Denby Dale Road Act, 1852.

And whereas it is expedient that the said recited Act should be repealed, and that further and more effectual Powers should be granted in lieu thereof, but the Purposes aforesaid cannot be effected without the Authority of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 this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Recited Act repealed.

I. That upon the Fourth *Monday* next after the passing of this Act the said recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth shall be repealed, and that this Act shall thereafter be put into execution during the Term and for the Purposes herein-after mentioned.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, for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Wakefield and Denby Dale* Road Act, 1852."

Monies and Property to vest in the new Trustees.

III. That all Monies due to, and all Lands, 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 hold and enjoy, sue for, and recover the same Monies, Lands, Property, and Choses in Action respectively, 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 at the Repeal thereof, save and except such of the same Debts and Engagements as are by this Act virtually 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*, together with *George Ambler* Clerk, *Samuel Armitage*, *Edward Beaumont*, *Richard Beaumont*, *Wentworth Blackett Beaumont*, *John Staniforth Beckett*, *Joseph Bennett*, *Christopher Bird* Clerk, *Thomas Bayldon*, *Robert Henry Barker*, *John Barff*, *Henry Brown*, *William Carter*, *Edward Collingwood*, *Robert Carr*, *Charles Cæsar Corsellis*, *John Charlesworth*, *Dodgson Charlesworth*, *John Barff Charlesworth*, *William Charlesworth*, *Joseph Charlesworth*, *Andrew Donald* Clerk, *Henry Dunn*, *Benjamin Dixon*, *Joseph Firth*, *George Lane Fox*, *Joze Luis Fernandes*, *Thomas Foljambe*, *Benjamin Gaskell*, *Daniel Gaskell*, *James Milnes Gaskell*, *Joseph Holdsworth*, *Thomas Holy Holdsworth*, *Lawrence Hitchon*, *Robert Hodgson*, *William Atkins Hodgson*, *Frederick Robert Jones* the elder, *Joseph Kaye*, *William*

Kaye, John Kaye of *Clayton, Charles F Kingdon* Clerk, *Henry Lumb, William Henry Leatham, Richard Greaves Micklethwait, Daniel Micklethwait, John Heaton Micklethwait, John Moore, Joseph Norton, George Norton, Richard Bottomley Nowell, Edwin John Pickslay, Lionel Pilkington, Richard Poppleton, Robert Ramsden, Thomas William Rodgers, John Shaw, Edward Thornhill Simpson, James Milnes Stansfield, Henry Stansfield, John Spencer Stanhope, Charles Spencer Stanhope, Philip Spencer Stanhope, Hugh Spencer Stanhope, Walter Spencer Stanhope, John Roddam Stanhope, James Scholefield, Samuel Sharp* Clerk, *John Scholey, Thomas Taylor, Thomas Thexton* Clerk, *William Thompson, William Walker, George Hudswell Westerman, Joshua Whitaker, Godfrey Wentworth, Thomas Wood, Joseph Wood, John Wilkinson*, and *John Wood*, 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 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.

Meetings of Trustees.

VI. That the Trustees shall hold their First Meeting at the Court House in *Wakefield* in the West Riding of the County of *York*, or at some other convenient Place in the Neighbourhood of the said Roads, at Noon on the Fourth *Monday* next after the Commencement of this Act, 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 Roads as they shall think proper.

Power to appoint Committees.

VII. That the 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 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 in execution for the Purpose of managing, maintaining, and keeping in repair the present Turnpike Road from the Town of *Wakefield* in the West Riding of the County of *York*, through the several Townships of *Wakefield, Alverthorpe-cum-Thornes, Crigglestone, Horbury, Bretton* otherwise *West Bretton, Emley, Clayton West, Cumberworth, Cumberworth Half*, and *Denby*, or some of them, all within the said West Riding of the County of *York*,

York, into the *Shepley Lane Head* Turnpike Road at or near a Place called *Heartcliffe* in the said Township of *Denby*; also a Branch Road leading from the said firstly-described Road in the said Township of *Crigglestone* to the *Calder and Hebble* Navigation opposite to the *Navigation Inn* within the said Township of *Horbury*; also another Branch Road leading from the firstly-described Road in or near *Pikeley Close* in the said Parish of *Emley*, through the Townships of *Bretton* otherwise *West Bretton*, *Clayton West*, and *High Hoyland*, to join the common Highway in the Town of *High Hoyland*, and also the Bridge over the River *Calder* in the Line of the said firstly-described Road at or near to a Place called *Thornes* in the said Township of *Alverthorpe-cum-Thornes*.

Present Tolls continued for a certain 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 to be continued or erected on or on the Sides of the said Roads and Bridge until the Expiration of Thirty Days next after the First Meeting of the Trustees.

Power to take new Tolls.

X. That upon and after the Expiration of Thirty Days next after the First Meeting of the Trustees it shall be lawful for the Trustees to demand and take at the several and respective Toll Gates which now are or hereafter shall be upon or on the Sides of the said Roads and Bridge such Tolls as the Trustees, at any of their Meetings, shall direct, not exceeding the Sums following; (that is to say,)

For every Horse or other Beast, drawing any Carriage, the Sum of Ninepence:

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

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

For every Ox, Cow, or Head of Neat Cattle, the Sum of One Halfpenny:

For every Calf, Sheep, Lamb, or Swine, the Sum of One Farthing:

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

For every Foot Passenger or Person on Foot (except the Driver of any Waggon, Wain, Cart, or other such Carriage) who shall pass any Toll Gate upon or on the Sides of or adjoining the said Bridge over the River *Calder*, whether he shall travel or go more or less than One hundred Yards on the said Roads, (any Law or Statute to the contrary notwithstanding,) the Sum of One Penny:

For every Person who shall ride through any such last-mentioned Toll Gate in or upon any Waggon, Wain, Cart, or other such Carriage

Carriage (not usually employed for carrying Passengers for Hire), or upon any Horse or Beast drawing any such Waggon, Wain, or other such Carriage, whether the same shall travel or go more or less than One hundred Yards on the said Roads, (any Law or Statute to the contrary notwithstanding,) the Sum of One Penny:

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

For preventing Evasion of Tolls by Foot Passengers.

XI. That every Foot Passenger or Person on Foot who shall fraudulently or forcibly pass through any Toll Gate upon or on the Sides of or adjoining to the said Bridge over the River *Calder* without paying the Toll to which he is by this Act made liable, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, which Penalty shall be levied and recovered (together with the necessary Costs and Charges of levying the same) by the same Ways and Means and in like Manner as any Penalty or Forfeiture for fraudulently or collusively claiming or taking the Benefit of any Exemption from Toll or other Exemption on any Turnpike Road may by Law be levied or recovered; and One Half of such Penalty shall be paid to the Informer and the other Half thereof shall be paid to the Treasurer of the Trustees, and be applied for the Purposes of this Act.

As to the Fraction of a Halfpenny in Tolls.

XII. 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.

Only Three full Tolls to be payable on the Roads.

XIII. That no more than Three full Tolls shall be taken for passing and repassing any Number of Times in the same Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) with the same Horses, Beasts, Cattle, or other Animal or Thing liable to Toll or Duty through all the Toll Gates erected or to be erected or continued on the said Roads (except as in this Act otherwise provided).

Horses, &c. having paid Toll to return Toll-free.

XIV. That all Horses and Cattle (except Horses or Cattle let for Hire or drawing any Stage Coach, Waggon, or other Stage Carriage, Postchaise or other Carriage travelling for Hire as herein-after mentioned) in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate on the said Road or on the Sides thereof shall, upon a Ticket denoting such Payment being

produced, be permitted, in returning, passing, and repassing through the same Toll Gate, and in going and returning, passing and repassing through such other Toll Gate (if any) as the Ticket for such Payment shall free, to pass Toll-free the same Day.

Lime for Manure to be wholly exempted in certain Cases.

XV. That no Toll shall be demanded or taken for any Horse or Horses, or Beast or Beasts drawing any Cart or other Carriage laden with Lime only to be used as Manure on any Lands or Grounds, but the same shall be allowed to pass Toll-free through all the Toll Gates upon the said Roads.

Postchaises, &c. to pay on every fresh Hiring.

XVI. That the Tolls hereby made payable shall be paid for all Horses or other Animals let for Hire, whether laden or unladen, and for all Horses or Cattle drawing any Postchaise or other Carriage travelling for Hire, as often as any new Hiring shall take place, in the same Manner as if no previous Payment of Toll had been made in respect of such Horses, Animals, or Cattle on the same Day.

Stage Coaches to pay every Time of passing.

XVII. That the Tolls by this Act imposed upon all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward shall be payable and paid for every Time of passing or repassing along the said Roads, or any of them.

Further Regulations as to Stage Coaches.

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

Mortgagees not to take Possession but for Arrears of Interest.

XIX. That whenever and so long as the Interest upon all existing Mortgages for the Time being due on the Credit of the said Tolls shall be duly paid within One Calendar Month next after the same shall become due, no Holder of any Mortgage of the Tolls collected upon the said Roads shall be entitled to enter into Possession of the Toll Gates, Toll Houses, or Buildings upon the said 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 Rents, shall pay the Interest from Time to Time becoming due 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 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 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 Mortgagee shall, when thereunto required by the Trustees, pay over to their Treasurer the Balance (if any) remaining in his Hands, and deliver up Possession of the said 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.

Application of Monies.

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

Firstly, in paying off and discharging to and among the several Persons entitled thereto, their Executors, Administrators, and Assigns, the Sum of One hundred and seventy Pounds Four Shillings and Fourpence, being the Amount of a floating Debt due from the said Trustees for Work:

Secondly, in paying and discharging the Expenses of obtaining and passing this Act, and incidental thereto:

Thirdly, in defraying the necessary Expenses of erecting, maintaining, repairing, and hiring Toll Gates, Toll Bars, and Toll Houses, and of the Management of the said Roads, not exceeding in the whole the Sum of Fifty-five Pounds in any One Year, including the Salaries of the Surveyor, Clerk, and other Officers, and including in the Salary of the Clerk all Law Expenses, except the Expenses of any Action or Suit, or other Proceeding at Law:

Fourthly, in maintaining and keeping in repair the Bridge in the Line of the said Road over the River *Calder*, not exceeding in any One Year the Sum of Twenty Pounds:

Fifthly, in paying off and discharging, if and when the same shall be borrowed, the Principal Sum and Interest herein-after authorized to be borrowed by the Trustees for the Purpose of re-erecting or restoring the Bridge over the River *Calder*:

Sixthly,

Sixthly, in paying off and discharging a Sum of Five thousand Pounds due and owing on the Security of the Tolls on the said Roads, now vested in the Right Reverend *John* Lord Bishop of *Lichfield*, together with Interest at the Rate of Four Pounds *per Centum per Annum* from the Twenty-second Day of *January* One thousand eight hundred and fifty-two:

Seventhly, in paying Interest at the Rate of Two Pounds *per Centum per Annum* on a Sum of Six hundred and fifty-one Pounds Eight Shillings and Fivepence, the Amount of certain Debts due and owing by the Trustees for the Purchase of Land:

Eighthly, in paying Interest at the Rate of Two Pounds *per Centum per Annum* on a Sum of Eight thousand three hundred and ninety-four Pounds Thirteen Shillings and Ninepence, being the Amount advanced by the several Parties mentioned in the Schedule to this Act, in the Proportions therein mentioned, for paying off a Security granted to the Exchequer Loan Commissioners:

Ninthly, in paying off the said Principal Sums of Six hundred and fifty-one Pounds Eight Shillings and Fivepence, and Eight thousand three hundred and ninety-four Pounds Thirteen Shillings and Ninepence:

Tenthly, in paying off to the Parties entitled thereto the Sum of Seven thousand eight hundred and forty-five Pounds Ten Shillings, being the Amount originally subscribed for making the said Road and the *Hoyland* Branch:

Lastly, in maintaining and keeping in repair the said Roads, and in putting this Act into execution in reference thereto.

As to Mode of discharging Debt.

XXI. That when and so often as the Sum applicable to the Discharge of the Principal Monies eighthly and ninthly directed to be paid, and for the Time being owing to 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 in the Order herein-before directed, 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*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County; 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 the aforesaid Monies owing in the Order aforesaid, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of the Trustees before

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,) in or towards the Discharge of other Monies owing 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 and whenever Two or more Creditors of the same Class, 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 of the same Class, or may pay the same to such of them as may be determined by Lot, as the Trustees think fit.

Extinguishment of Debts and Claims.

XXII. That, save and except the several Sums herein-before directed to be paid, all other Debts and Claims on the said Trust shall be and the same are hereby extinguished.

Money not to be borrowed except as after mentioned.

XXIII. That no more Money shall be borrowed by the Trustees upon the Credit of the Tolls by this Act authorized to be taken, except as herein-after provided.

Power to Trustees to borrow Money for certain Purposes.

XXIV. That it shall be lawful for the Trustees to borrow, on Mortgage of the Tolls and other Income arising under this Act, any Sum or Sums, not exceeding in the whole the Sum of Four hundred Pounds, for the Purpose of re-erecting or restoring the Bridge over the River *Calder*, on the Line of the said Road, in a good and proper Condition for the Traffic along the said Road over the said River; and the Sum secured by such Mortgage (not exceeding in the whole the said Sum of Four hundred Pounds), and the Interest thereof, if and when the same shall be borrowed, shall be deemed and taken to be the First Charge on the Tolls and Income comprised in such Mortgage, in preference and priority to the Sum of Five thousand Pounds, and Interest, payable to the said Bishop of *Lichfield*, and the several other subsequent Sums herein-before made chargeable on the said Tolls.

Trustees may borrow to pay off

XXV. That it shall be lawful for the Trustees to borrow any Sum not exceeding the Sum of Five thousand Pounds, or such Sum as may

Security for 5,000*l.*

may for the Time being be due and owing for Principal on the Security to the said Bishop of *Lichfield*, for the Purpose of paying off such Security; and the Securities so to be granted shall rank in the same Order, and be entitled to the same Priority and Preference in Payment as is herein-before provided with respect to the said Sum of Five thousand Pounds and Interest.

No Money to be taken or laid out in Towns.

XXVI. That no Money shall be laid out by the Trustees on the said Roads within the Town of *Wakefield*, or within the Limits of any Act of Parliament passed for the Improvement of any Town, nor shall any Tolls be collected by them therein.

Road not exempted from Provisions of future General Act.

XXVII. That nothing herein contained shall be deemed to exempt the said Roads 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.

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

Interpretation of Terms.

XXIX. 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 Constructions; (that is to say,)

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

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

The Expression "the Roads" or "the said Roads" shall mean the said Roads to which this Act is applicable:

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

The

The SCHEDULE referred to in the foregoing Act.

PARTICULARS of the Sum of Eight thousand three hundred and ninety-four Pounds Thirteen Shillings and Ninepence, advanced to pay off Exchequer Loan, and the Parties to whom the same is due, and Proportion due to each.

Names of Parties to whom the Sum of 8,394*l.* 13*s.* 9*d.* is due.	Original Subscription.	Proportion of Exchequer Loan paid by and due to.
	£	£ s. d.
The Executors of the late Thomas Wentworth Beaumont, Esq. - - -	1,700	2,883 0 0
Executors of the late Thomas Foljambe -	300	508 15 6
Daniel Gaskell - - - -	100	169 11 10
The Reverend Christopher Bird -	100	169 11 10
William Kaye - - - -	500	847 19 0
Benjamin Dixon - - -	50	84 15 10
John Spencer Stanhope - - -	100	169 11 10
Messrs. Leatham and Company -	100	169 11 10
Executors of the late Edward Thomas Copley - - - -	500	847 19 0
Executors of the late Thomas Dinsley -	100	169 11 10
W. Ward - - - -	50	84 15 10
Joze Luis Fernandes - - -	100	169 11 10
The Executors of the late Thomas Taylor	50	84 15 11
Joseph Holdsworth - - -	500	847 19 0
John Scholey - - -	50	84 15 11
Robert Ramsden - - -	500	847 19 0
John Wilkinson - - -	50	84 15 11
Edward Stringer - - -	100	169 11 10
	£4,950	£8,394 13 9

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