



ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap. cxxviii.*

An Act to authorize the opening of a Diversion  
of the *Wakefield and Sheffield* Turnpike Road,  
and for other Purposes. [4th August 1853.]

**W**HEREAS by an Act passed in the Sixth Year of the  
Reign of His Majesty King *William* the Fourth, intituled  
*An Act for repairing and improving the Road from* 6 W. 4. c. liii.  
*Wakefield to Sheffield in the County of York*, the Trustees therein  
named, or any future or other Trustees to be elected and appointed  
as therein mentioned, were authorized and empowered to make and  
carry (amongst other Diversions or new Lines of Road) a Diversion  
or new Line of Road branching out of the then Turnpike Road at  
or near *Worsbrough Bridge*, in the Parish of *Darfield* in the County  
of *York*, and passing on the East Side of *Darley Hall*, the West  
Side of *Pindar Oaks*, and again uniting with the said Turnpike Road  
at or near the North Side of *Barnsley* new Toll Bar, in the Parish  
of *Silkstone* in the County of *York*; with a Proviso that if the said  
Trustees should not, within the Space of Five Years after the passing  
of that Act, make, set out, and complete the said intended Diver-  
sions and new Lines of Road and other Improvements aforesaid,  
and open the same for the Passage of Horses, Carts, and Carriages,  
[Local.] 23 R then

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then and from thenceforth the Powers by that Act granted to them for that Purpose should cease, determine, and be utterly void and have no Effect as to such intended Diversions or new Lines of Road and other Improvements as should not be so made, set out, and completed within the Period aforesaid: And whereas by the said Act it was also enacted, that the said Diversions or new Lines of Road and other Improvements should, from the Day or respective Days to be appointed as therein mentioned, respectively become and be deemed and taken to be and form Part or Parts of the said Turnpike Road leading from *Wakefield* to *Sheffield* in the said County of *York*, and subject to the Powers, Provisions, and other Matters and Things therein contained, and be accordingly repaired and maintained by the said Trustees; and also that the Turnpike Road then and still in use from *Worsbrough Bridge* to its Junction with the intended new Road at or near *Barnsley* new Toll Bar, as soon as the said Diversion or new Line of Road to be made in lieu thereof should, in manner therein-after mentioned, be declared to be completed, should thenceforth cease to form or be considered as Part or Parcel of the said Turnpike Road, and thereupon should no longer be subject to the Powers and Provisions in the said Act contained respecting the same: And whereas it was by the said Act also enacted, that if at any Time any Lands or Hereditaments purchased by the said Trustees for the Purposes of that Act should not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands or Hereditaments vested in the said Trustees should cease, determine, and be extinguished, and the said Lands and Hereditaments should be and remain in the Person or Persons then entitled to the same, according to his or their respective Estates or Interests therein, freed and discharged of and from such Right of Way: And whereas the Trustees acting in the Execution of the said Act have expended considerable Sums of Money in forming the said Diversion or new Line of Road, commencing at or near *Worsbrough Bridge* and terminating at or near the North Side of *Barnsley* new Toll Bar, but the same was not completed within the Space of Five Years in that Behalf limited by the said Act, in consequence whereof the Powers by the said Act granted of opening the same for Traffic have ceased as to the said Diversion or new Line of Road: And whereas the Toll Bar in the said Act described as the *Barnsley* new Toll Bar is now known as the *Barnsley* Toll Bar: And whereas it would be for the public Advantage that the said Diversion or new Line of Road should be opened for Traffic, and it is expedient that upon such opening the present Turnpike Road from *Worsbrough Bridge* to its Junction with the intended new Line of Road at or near *Barnsley* Toll Bar, for which the same will be substituted, should cease to form Part of the said Turnpike Road from *Wakefield* to *Sheffield*; but the Purposes aforesaid cannot be effected without the  
Authority



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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, as follows; (that is to say,)

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Wakefield and Sheffield Road Act, 1852.*" Short Title.

II. That in this Act the following Words and Expressions shall have the respective Meanings herein-after assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpre-  
tation of  
Terms,

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

The Expression "*Worsbrough Diversion*" shall mean the said Diversion or new Line of Road, commencing at or near *Worsbrough Bridge*, and terminating at or near *Barnsley Toll Bar*, so made as aforesaid:

The Expression "*Worsbrough Old Road*" shall mean the present Turnpike Road from *Worsbrough Bridge* to its Junction with the *Worsbrough Diversion* at or near *Barnsley Toll Bar*:

The Expression "Main Road" shall mean the said Turnpike Road from *Wakefield* to *Sheffield*:

The Word "Toll-gate" shall include Turnpike, Side Bar, and Chain, and their respective Toll Houses and Weighing Machines.

III. That (notwithstanding anything to the contrary in the recited Act contained) it shall be lawful for Two Justices of the Peace acting in and for any Division within which any Part of the *Worsbrough Diversion* is situate (within One Year next after the passing of this Act, but not afterwards), by Certificate in Writing under their Hands, to declare the *Worsbrough Diversion* to be completed to their Satisfaction, and from and after the giving of such Certificate the *Worsbrough Diversion* shall become and be Part of the Main Road, and then and thenceforth the *Worsbrough Old Road* shall cease to belong to or form Part of the Main Road. Justices may  
certify Com-  
pletion of  
*Worsbrough*  
Diversion;

IV. That, notwithstanding the Noncompletion of the *Worsbrough Diversion* within the Time by the recited Act limited for the Completion thereof, and notwithstanding anything to the contrary hereof in the recited Act contained, the Trustees may, as soon as such Certificate is given (provided the same shall be given within One Year next after the passing of this Act, but not otherwise), open the *Worsbrough* which may be  
opened, and  
Tolls taken  
thereon.



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*brough* Diversion for Public Traffic, and may then and at all Times thereafter while the said recited Act shall continue in force demand and take, at every Toll Gate now erected and which shall be continued or hereafter be erected or placed, by virtue of the recited Act and of this Act or of either of them, in, upon, across, or on the Sides of *Worsbrough* Diversion, any Tolls not exceeding the Tolls by the recited Act authorized to be taken.

Trustees to repair Burr Walls of the said Diversion.

V. That the said Trustees shall at all Times hereafter while the said recited Act shall continue in force well and sufficiently support, maintain, and repair the Burr Walls of the *Worsbrough* Diversion.

Diversion to form Part of Road.

VI. That the *Worsbrough* Diversion shall, when opened for Public Traffic, and at all Times thereafter, be and be deemed to be Part of the Main Road; and all the Powers, Provisions, and Enactments of the recited Act, and of any Public General Acts relating to Turnpike Roads in *England*, applicable thereto, shall then and thenceforth extend and apply to and be exercised and put in force with regard to the *Worsbrough* Diversion, as fully and effectually, and the Trustees shall be entitled to the same Right of Way in, over, or upon the Lands purchased for the Purposes thereof, and to the same Powers and Authority of cutting and digging, and of erecting any Toll House or building any Bridge, upon the Lands so purchased as aforesaid, as if the *Worsbrough* Diversion had been completed within the Time limited by the recited Act for that Purpose.

Acts, &c. to be valid.

VII. That all Acts, Deeds, Contracts, Engagements, Matters, and Things made, done, permitted, or entered into by the Trustees in or with reference to the Completion of the *Worsbrough* Diversion, whether before or after the Expiration of the Period by the recited Act limited for that Purpose, shall be and be deemed to be good, valid, and effectual, to all Intents and Purposes, notwithstanding that the same was not completed within that Period.

Old Road to cease to be Turnpike.

VIII. That when and so soon as the said Certificate shall have been given the *Worsbrough* Old Road shall cease to form Part of the Main Road, and shall not thenceforth be managed or repaired, nor shall any Tolls thenceforth be taken thereon by the Trustees: Provided always, that the Trustees, their Agents, Servants, and Workmen, may at any Time or Times within Six Months after such Certificate shall have been given pull down any Toll House now being upon or on the Sides of the *Worsbrough* Old Road, and dispose of the Materials thereof, in the Manner by the Public General Acts relating to Turnpike Roads in *England* authorized, and for that Purpose may at all Times within such Six Months enter upon and pass and repass along the *Worsbrough* Old Road, with or without Horses, Carts, and Waggon.

IX. That



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IX. That inasmuch as certain Persons being or claiming to be the Owners of a certain Coal Mine or Colliery in the Parish of *Darfield*, called the *Bell Ing* Colliery, have since the Formation of the said Road by the Trustees laid down a Tramroad or Railway across, through, or under the said Road: Therefore the said Persons, or other the Owners or Persons for the Time being entitled to use the said Tramroad or Railway, shall, at their own Expense, within Three Calendar Months after they shall have been required so to do by Notice in Writing under the Hand of the Clerk of the Trustees, restore and make good the Line and Surface of the said Road; and if they shall fail so to do to the Satisfaction of the Surveyor of the Trustees for the Time being, the Trustees may make good and restore the same, and may recover the Expenses incurred thereby from the said Persons or other such Owners or Persons as aforesaid by Action or other Proceeding in any Court of competent Jurisdiction.

Owners of  
Tramways  
to restore  
Surface of  
Road.

X. That whenever and so long as the Interest upon all Principal Monies for the Time being due on the Credit of the Tolls arising under the said recited Act and this Act, or either of them, shall be duly paid within Three Calendar Months next after the same shall become due, no Holder of any Mortgage of the said Tolls shall be entitled to enter into possession of the Toll Gates, Toll Houses, or Buildings upon the Roads comprised in the said recited Act and this Act, or any or either of them, 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 upon all the 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 Accounts 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 said Trustees, pay over to the 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 said Trustees, or any Person appointed by

Mortgagees  
not to take  
possession  
but for  
Payment of  
Interest.



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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.

Mortgagees  
in possession  
to transmit  
Accounts.

XI. That every Mortgagee, Agent, or other Person in possession of any Toll Gate or Bar set up or erected or to be set up or erected on the Roads comprised in the said recited Act and this Act, or any or either of them, shall, on or before the Twenty-fifth Day of *March* in every Year, make and transmit to One of Her Majesty's Principal Secretaries of State an annual Statement of the Revenue of such Roads received by such Mortgagee, Agent, or other Person during the Year ending the Thirty-first Day of *December* then next preceding, and of the Expenditure or Application thereof, in the Form contained in the Schedule (A.) to the Public General Act of the Fourth Year of the Reign of King *William* the Fourth, Chapter Eighty, annexed, or as near thereto as Circumstances will admit; and every Mortgagee, Agent, or other Person in possession as aforesaid who shall neglect to make out and transmit such annual Statement within the Time herein-before prescribed for that Purpose, shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom a Complaint of such Offence shall be made.

As to Mode  
of discharg-  
ing Debt.

XII. 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 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 relates to the Application of such Sum, in some Newspaper published in the County of *York*, or if there shall be no Newspaper published therein, then in some Newspaper published in an adjoining County, or by Letter addressed to each Mortgagee at his usual Place of Abode; 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 Mortgagee 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 Mortgagee 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

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Monies owing on the Security of the said Tolls to the Mortgagee 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 Mortgagees 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 Mortgagees, or to pay such Composition rateably between or amongst such Mortgagees 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, as 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 Mortgagees on the said Tolls in the Order herein-before directed, or may determine by Lot, as the Trustees think fit, to which of the Mortgagees the same shall be paid.

XIII. That the Trustees may borrow any Sum or Sums of Money, not exceeding in the aggregate the total Amount of the Principal Sums for the Time being due on the Credit of the Tolls arising under the said recited Act and this Act, for the Purpose of paying off those Principal Sums or any Part thereof, at any Rate of Interest lower than that for the Time being payable on the Principal Sums so to be paid off, and any Person advancing any Sum under the foregoing Provision shall not be bound to inquire whether any Money then remains due on the Credit of the said Tolls, or to see to the Application or be answerable for the Misapplication or Nonapplication of the Money advanced by such Person; but in case any Breach of the Provisions of this Act with reference to the future borrowing of Money shall be committed, the Trustees committing the same shall be jointly and severally liable to indemnify the Tolls from all Payments, Damages, Incumbrances, and Expenses incurred thereby, and all Payments made out of the Tolls or other Revenue arising from the said Roads by reason or on account or in consequence of any such Breach may be recovered from the Trustees committing such Breach, jointly or severally, by the Treasurer of the Trustees for the Time being, by Action or other Proceeding in any Court of competent Jurisdiction.

Trustees  
may borrow  
to pay off  
Debt.

XIV. That (except as herein-before authorized) it shall not be lawful for the Trustees to borrow any further Sum or Sums of Money on the Credit of the Tolls by this Act or the recited Act authorized to be taken.

No more  
Money to be  
borrowed on  
the Tolls.

XV. That



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Expenses  
of Act.

XV. That the Costs, Charges, and Expenses of passing this Act, and incident and preliminary thereto, shall be paid by the Trustees out of the Monies coming to their Hands.

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