



ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. Ixiv.

An Act to extend the present *Tinsley and Doncaster* Turnpike Road from *Tinsley* to *Sheffield*, and for other Purposes. [28th July 1849.]

**W**HEREAS an Act was passed in the Twelfth Year of the Reign of King *George* the First, intituled *An Act for making the River Dun in the West Riding of the County of York navigable from Holmstile in Doncaster up to the utmost Extent of Tinsley Westward, a Township within Two Miles of Sheffield*, whereby it was, amongst other things, enacted, that the Master, Wardens, Searchers, Assistants, and Commonalty of the Company of Cutlers in *Hallamshire* in the said County of *York*, and their Successors and Assigns, should be and they were thereby nominated and appointed Undertakers of the said Navigation, and authorized and empowered to make the said River *Dun* navigable as therein mentioned, from *Holmstile* aforesaid up to the utmost Extent Westward of the said Township of *Tinsley*; and it was also thereby enacted, that the Undertakers and Proprietors of the said Navigation, from and after such Time as the said River *Dun* should be made navigable into the Township of *Tinsley* aforesaid, should, at their own Costs and Charges, make a good Road, either set or pitched with

12 G. 1. c. 38.

[Local.]

10 S

Bolders,



Bolders, or trenched, thrown up, and gravelled, at least Seven Yards wide, for all manner of Carts and Carriages, from the Wharf where the said Navigation should end at *Tinsley* aforesaid unto the Bridge over the River *Dun* at *Sheffield* commonly called the *Lady's Bridge*, and should, at their own Costs and Charges, uphold and repair the same and all other the Roads in the Township of *Tinsley*, and always keep the same in good and sufficient Repair, and should be liable to be indicted and fined for any Neglect or Default in repairing the same, as therein is more particularly mentioned; and it was also thereby further enacted, that the Undertakers or Proprietors of the said Navigation should and might receive and take One Penny for every customary Ton of Goods which should be brought up into or carried down from or through the said Township of *Tinsley* upon the said River, over and above all Lock Dues which they were thereby empowered to collect, which was to be collected in the same Manner with the said Lock Dues, and should apply the said Duty of One Penny *per* Ton to the making and repairing of the said Way; yet it was thereby provided, nevertheless, that nothing therein contained should excuse the Inhabitants of the several Townships and Places in which the said Way lieth from contributing to the Repair thereof, with their Carts, Carriages, Days Works, or otherwise, as they were then obliged to do by Law: And whereas another Act was passed in the Thirteenth Year of the Reign of His said late Majesty King

13 G. 1. c. 20. *George* the First, intituled *An Act for improving the Navigation of the River Dun from a Place called Holmstile, in the Township of Doncaster in the County of York, to Wilsick House in the Parish of Barmby Dun in the said County*, whereby it was, amongst other things, enacted, that the Mayor, Aldermen, and Burgesses of the Borough of *Doncaster* in the County of *York*, their Successors and Assigns, should be and they were thereby nominated and appointed Undertakers of the said Navigation, and they were thereby authorized and empowered to make the said River navigable, portable, and passable for Boats, Barges, Lighters, and other Vessels, at all Times and Seasons, from the said Place called *Wilsick House* to the said Place called *Holmstile* in *Doncaster* aforesaid: And whereas another

6 G. 2. c. 9. Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to explain and amend Two Acts of Parliament, one made in the Twelfth and the other in the Thirteenth Year of His late Majesty's Reign, for making navigable the River Dun in the County of York, and for the better perfecting and maintaining the said Navigation, and for uniting the several Proprietors thereof into One Company*, whereby, after reciting and setting forth, amongst other things, the said Acts of the Twelfth and Thirteenth Years of the Reign of His then late Majesty King *George* the First, and also an Indenture bearing Date the Fifth Day of *January* in the Fourth Year of the Reign of His then present Majesty, and in the Year of our Lord One thousand seven hundred and thirty, made or mentioned to be made between the said Master, Wardens, Searchers, Assistants, and Commonalty of the said Company of Cutlers in *Hallamshire*, and other Persons therein named, who were then the Undertakers of the Navigation of the said River *Dun* above *Holmstile* aforesaid, of the one Part, and the Mayor, Aldermen, and Burgesses of the Borough of *Doncaster* in the said County of *York*,

and



and other Persons therein named; who were then the Undertakers of the Navigation of the said River *Dun* below *Holmstile*, of the other Part, it was, amongst other things, enacted, that the Proprietors of the One hundred and fifty Shares into which the joint Properties in the said Navigation had then been divided, their several and respective Successors, Heirs, and Assigns, should from the Twenty-fourth Day of *June* One thousand seven hundred and thirty-three be united into One Company, for the better carrying on, making, maintaining, and perfecting of the said Navigation, as well above as below *Holmstile*, according to the Rules and Orders therein-after expressed, and should for that Purpose be One Body Politic and Corporate by the Name of "The Company of Proprietors of the Navigation of the River *Dun*," and by the same Name should have perpetual Succession and should have a Common Seal, and that the said Company so united should have full Power and Authority, and they were thereby empowered and authorized, to do all such Acts, in order to the making of the said River navigable, and to maintain and support the Navigation thereof, both above and below *Holmstile*, as the said Two Corporations or either of them, their or either of their Successors or Assigns, might have done or were empowered to do by virtue of the said Two therein-before recited Acts, or either of them, and also to take and receive all such Lock Dues, Tonnages, or other Duties, Rents, and Payments whatsoever as the said Two Corporations or either of them, their or either of their Successors or Assigns, were empowered to do by the said Two Acts or either of them, other than and except certain Duties therein mentioned, to which the present Act is not intended to apply, and to execute all the Powers given or vested in the said Two Corporations, their Successors and Assigns, and in each of them, by virtue of the said Two Acts of Parliament or either of them, and in such Manner as the said Two Corporations or either of them might have executed the same, except in such Particulars as were thereby altered, and to which Exception this present Act is not intended to apply: And whereas another Act was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the more effectually improving the Navigation of the River Dun from a Place called Wilsick House, in the Parish of Barmby Dun in the County of York, to Fishlock Ferry in the same County*, whereby, after reciting the said several Acts of Parliament of the Twelfth and Thirteenth Years of the Reign of King *George* the First and the Sixth Year of the Reign of King *George* the Second, and that the said Company of Proprietors of the Navigation of the River *Dun* had, in pursuance of the said therein in part recited Acts, made the said River navigable from the Town of *Rotherham* upon the said River to *Wilsick House* aforesaid, and also reciting that when the intended Navigation should be completed up to *Tinsley* great Quantities of Goods would be frequently brought and carried by Land Carriage to and from thence, whereby the Roads between *Tinsley* and *Sheffield* would be made so bad that the Inhabitants of the Parishes through which the said Roads do lead would not be able to amend and keep the same in repair by the Laws then in being, to the end that the said Road might be kept in good Repair after the said Navigation should be completed it was enacted, that the Undertakers of the said Navigation, their Successors, Heirs, and

13 G. 2. c. 11.



1 & 2 G. 4.  
c. 46. and  
7 G. 4. c. 97.

55 G. 3. c. 65.

and Assigns, should, and they, and such Person or Persons as they should from Time to Time appoint, was and were thereby empowered to ask, demand, and take a Toll or Duty of One Penny for every customary Ton, which was thereby declared to be Twenty-five Hundred Weight, and so in proportion for any greater or less Quantity of Goods or Merchandizes, of what Kind soever, which should be brought to or carried from any Wharf at or near *Tinsley* to be carried up or down the said River, over and above all Lock Dues, which said Toll or Duty of One Penny was thereby vested in the said Undertakers, their Successors, Heirs, and Assigns, for ever, and the same and every Part thereof should from Time to Time be laid out and applied for and towards repairing and mending the said Road between *Tinsley* and *Sheffield*, and to no other Intent or Purpose whatsoever, and thereby Powers of Distress and Sale were given for the Recovery of the said Toll or Duty, in case of Neglect or Refusal to pay the same; yet it was by the same last-mentioned Act provided, that all and every Person and Persons who by Law were obliged to do Statute Duty, or were chargeable towards amending the aforesaid Road, should still remain chargeable and do their respective Works on the said Road, in such Manner as such Person or Persons ought to have done before the passing of the same Act: And whereas other Acts relating to the said Navigation of the River *Dun* were passed respectively in the Sessions of Parliament held respectively in the First and Second Years of the Reign of *George* the Fourth (Chapter 46.) and the Seventh Year of the same Reign (Chapter 97.): And whereas another Act was passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable Canal from Sheffield to Tinsley in the West Riding of the County of York*, whereby, after reciting that the said Company of Proprietors of the Navigation of the River *Dun*, under and by virtue of the Powers and Authorities of the Act of Parliament passed in the Sixth Year of the Réign of His Majesty King *George* the Second, herein-before mentioned, were entitled to the Fee Simple and Inheritance of and in certain Hereditaments and Premises situate in the Township of *Tinsley* aforesaid, and after setting forth the Liabilities of the said Company of Proprietors of the Navigation of the said River *Dun* to uphold and repair the said Roads, and their Right to receive and take the said Two Sums or Tonnages of One Penny each, by virtue of the said preceding Acts, to be laid out and applied for and towards repairing and amending the said Road between *Tinsley* and *Sheffield*, and after other Recitals therein contained, it was enacted, that before the said Company of Proprietors of the said intended Canal should be authorized to enter into or upon any Part of the said Hereditaments then belonging to the said Company of Proprietors of the Navigation of the said River *Dun* at *Tinsley* aforesaid, they the said Company of Proprietors of the said Canal should purchase of the said Proprietors of the Navigation of the said River *Dun* the whole of their said Hereditaments within the said Township of *Tinsley*, and also all their future Right to receive and take the Two several Sums of One Penny and One Penny, or such of them as could be lawfully demanded, to be applied towards the Repair of the said Road, for the Sum of Eleven thousand Pounds, and that the said Company of

Proprietors



Proprietors of the said Canal should for ever afterwards uphold and repair the said Road from the Wharf at *Tinsley* to *Lady's Bridge* in *Sheffield* aforesaid, and all others the Roads in the Township of *Tinsley* aforesaid, in such Manner as the said Company of Proprietors of the Navigation of the River *Dun* were then liable to uphold and repair the same, and should in like Manner be liable to be indicted and fined for the Nonrepair of the said Roads or any of them, and before the said Company of Proprietors of the said Canal should be authorized to enter into or upon the said Hereditaments of the said Company of Proprietors of the said Navigation, or to exercise any of the Rights thereby directed to be sold to them, and that at the Time of Payment of the Purchase Money the said Company of Proprietors of the said Navigation should execute with their Common Seal an effectual Release and Conveyance of the said Premises and of the said Rights to the said Company of Proprietors of the said Canal, who should from henceforth, and not before, be liable to repair the said Roads, Lock, and Bridge: And whereas the Water Communication up to *Sheffield* was completed by the making of the said Canal under the Provisions of the lastly herein-before recited Act: And whereas by "The *Sheffield Canal Purchase Act, 1848*," the Company of Proprietors of the *Sheffield Canal* was dissolved, and the Property and Powers of such Company were vested in the *Manchester, Sheffield, and Lincolnshire Railway Company*, subject to the Liabilities which the same Canal Company were liable to: And whereas Doubts and Differences exist as to the respective Duties and Liabilities of the said Companies and other Parties with reference to the Maintenance and Repair of the said Road, and the same has been for some Time past and now is much out of repair; and it is expedient that other and more certain Provisions should be made for the Maintenance and Repair of the said Road, and that it should be otherwise improved: Whereas an Act was passed in the Session of Parliament held in the Fourth and Fifth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for repairing the Turnpike Road from Tinsley to Doncaster, and for making certain new Lines to communicate with the same, all in the West Riding of the County of York*, and it is expedient that the said Road from *Tinsley* to *Sheffield* should be under the Control and Management of the Trustees for the Time being of the said Road from *Tinsley* to *Doncaster*, and such other Persons as herein-after named, and that the said Trustees should have such Powers as are herein-after mentioned: And whereas it is expedient that the said recited Acts should be varied or repealed in manner and to the Extent herein-after mentioned: 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, That so much and such Parts of the said several Acts of Parliament of the Twelfth Year of the Reign of King *George* the First, the Thirteenth Year of the same Reign, the Sixth Year of the Reign of King *George* the Second, the Thirteenth Year of the same Reign, the First and Second Years of the Reign of King *George* the Fourth, the Seventh Year of the same Reign, and the Fifty-fifth Year of the Reign of King

11 & 12 Vict.  
c. 94.4 & 5 Vict.  
c. 109.So much of  
recited Acts  
as relate to  
the *Sheffield*  
and *Tinsley*  
Road, and  
the other  
Roads in the  
said Town-  
ship of *Tins-*



ley, and to the several Sums of One Penny each, repealed.

King *George* the Third, and of the *Manchester, Sheffield, and Lincolnshire* Railway Act, 1848, as relate to the said Road from *Tinsley* to *Sheffield*, and such other Roads in the Township of *Tinsley* as are affected by such Acts or any of them, and to the several Sums of One Penny each, applicable to the Repair of the said Road, shall be and the same are hereby repealed; and that the Expiration of this Act or the Repeal thereof shall not extend to revive such Parts of the said Acts as are hereby repealed, or any of them, unless such Revival shall be expressly or specially mentioned.

Powers of recited Act of 4 & 5 Vict. extended to this Act.

II. And be it enacted, That the before recited Act of the Session of Parliament held in the Fourth and Fifth Years of the Reign of Her said present Majesty, and all the Provisions thereof, so far as the same are applicable and in force at the Time of the passing of this Act, shall for the Purposes of this Act remain in full force in every respect, and shall be held to extend to every thing to be done under this Act, except such Part of the same recited Act and Provisions as are varied, altered, or repealed, or otherwise provided for by this Act, as fully and effectually as if the said recited Act and Provisions had been specially repeated and re-enacted in the Body of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, and in Notices and otherwise, it shall be sufficient to use the Expression "*The Tinsley and Doncaster Turnpike Road Extension Act, 1849.*"

This Act to be put into execution for making the Road from *Sheffield* to *Tinsley* Turnpike, &c.

IV. And be it enacted, That the said Road from *Sheffield* to *Tinsley* shall henceforth during the Term herein-after mentioned be a Turnpike Road, and this Act shall be put into execution respecting the same for the Term herein-after mentioned, for the Purpose of making the same a Turnpike Road, and for the Purpose of straightening, widening, repairing, and maintaining the same, through the several Parishes, Townships, extra-parochial or other Places of *Rotherham, Tinsley, Attercliffe, Attercliffe-cum-Darnall, Brightside, Brightside Bierlow, and Sheffield*, all in the said West Riding of the County of *York*.

Appointment of Trustees.

V. And be it enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with the several Trustees of the said Turnpike Road from *Tinsley* to *Doncaster*, and *Thomas Aldham, Charles Atkinson, Timothy Bentley, William Butcher, Thomas Branson, Thomas Blake, Edward Bingham, Thomas Rawson Barker, John Bower Brown, Charles Bartholomew, Samuel Bailey, John Blackburn Clerk, Peter Cadman, William Cadman, James Creswick, Nathaniel Creswick, John Moore Coupland, Matthew Chambers, William Cooper, Henry Cooper, Charles Cammel, James Dixon, Samuel Deakin, William Frederick Dixon, James Willis Dixon, Henry Isaac Dixon, Joseph Hault Dixon, John Dixon, Thomas Dunn, Thomas Dewsnap, Robert Dymond, William Denton, John Denton, Michael Ellison, Michael John Ellison, William Fawcett, John Fowler, William Fisher, John Green, Alexander Gatty Clerk,*  
*Samuel*



*Samuel Hadfield, John Hand Clerk, George Hounsfeld, Edward Hudson, Francis Huntsman, Benjamin Huntsman, Michael Hunter, John Hall, John Wilson Hawksworth, Joseph Haywood, George Hill, John Hodgson, William Ibbotson Horne, William Jeffcock, Thomas Dunn Jeffcock, Sydney Jessop, John Jeffcock, Samuel Jackson, Robert Jackson, Thomas Jessop, William Jackson, John Jackson, Henry Jubb, William Jarvis, Joseph Levick, Joseph Levick junior, William Edward Laycock, Thomas May, Henry May, Robert Marsh junior, John Milner, William Pashley Milner, John Newton Mappin, Francis Moss, William Marriott, John Porteus Naylor, Edward Nanson, Henry Newbould, William Newbould senior, Francis Newton, Thomas Newton, John Owen, Thomas Pierson, Thomas Porter, Thomas James Parker, John Porter, Samuel Parker, John Pearson, Samuel Roberts, John Rogers, John Rowbottom, Thomas William Rogers, John Shepherd, Henry Clifton Sorby, Edwin Sorby, William Smith, Albert Smith, John Sanderson, James Sanderson, Edward Smith, William Townend Smelter, John Shaw, Joseph Shaw, Thomas Burdett Turton, Thomas Tillotson, Henry Taylor, Edward Vickers, Benjamin Vickers, Henry Vickers, Henry Wilkinson, Bernard Watkin Clerk, John Wilson, John Ward, Joseph Wilson, Henry Wilson, William Wilson, Thomas Wright Watson, Henry Watson, William Watson, George Wilson, William Willott, George Walker, William Wake, Bernard Wake, Robert Waterhouse, William Younge, Charles Frederick Younge, Robert Younge, Samuel Younge, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be Trustees for putting this Act into execution.*

VI. And be it enacted, 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.

Appoint-  
ment of  
additional  
Trustees.

VII. And whereas Maps or Plans and Sections describing the said Road, and also the Improvements and Works proposed to be made therein, and the Lands upon, in, over, or through which the same are intended to be carried, together with a Book of Reference thereto containing the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the said West Riding of the County of *York*: Be it therefore enacted, That the said Maps or Plans, Sections, and Book of Reference shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons may at all reasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every Hundred Words of such Copies or Extracts; and the said Maps, Plans, Sections, and Books of Reference, or either of them, or any Copy thereof respectively or of any Part thereof respectively, certified by the Clerk of the Peace for the Time being to be a true  
Copy

Deposited  
Plans, &c. to  
remain with  
the Clerk of  
the Peace,  
and be open  
to Inspection.



Copy thereof, shall be good Evidence in all Courts of Law and Equity.

Power to execute Works according to deposited Plans, &c.

VIII. And be it enacted, That it shall be lawful for the said Trustees acting in execution of the said recited Act and of this Act to take and maintain the said Road as a Turnpike, and to make and maintain the widening and new Line of Road herein-before mentioned in the Course and Line through the Lands delineated in the Map or Plan and described in the Book of Reference herein-before mentioned, and according to the said Section, of such Width as they shall think proper, not exceeding Sixty Feet, together with such Bridges, Arches, Culverts, Ditches, Drains, Fences, and other necessary Works on the respective Lines of such widening and new Line as they shall think expedient; and for the Purposes aforesaid, subject nevertheless to the several Provisions and Restrictions of this Act and in the various Acts for regulating Turnpike Roads in *England* contained, to take possession of the Lands and Premises described in the said Maps or Plans and Book of Reference, and to purchase, take, or use a Right of Way in perpetuity over and across any such Lands, making or tendering Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain by the Execution of the Powers of this Act; and it shall be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands upon, in, over, or through which the said widening and new Line, Bridges, Arches, Culverts, Ditches, Drains, Fences, and other necessary Works, or any of them, are intended to be made or pass, and also upon, in, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think proper, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands for any of the Purposes of this Act; and if any Person shall remove, destroy, or injure any of the Stakes or other Works used for the Purposes aforesaid every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power to deviate from Line down.

IX. And be it enacted, That it shall be lawful for the said Trustees, in making the said widening and new Line of Road, to deviate from the Lines delineated upon the said Map or Plan deposited as aforesaid: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the said Lines, or into the Lands of any Person not described in the said Map or Plan or in the said Book of Reference, without the Consent in Writing of the Party or Parties in, over, or through whose Lands such Deviation shall be proposed to be made.

Trustees to have Power to deviate from Levels.

X. And be it enacted, That the said Trustees so making such widening and new Line of Road as aforesaid shall have full Power and Authority to deviate from the Levels as marked on the Sections so deposited with the Clerk of the Peace, to any Extent not exceeding Five Feet, or to any greater Extent than Five Feet upon obtaining the Consent in Writing of the Owner and Occupier of the Land in which such Deviation is intended to be made.

XI. Pro-



XI. Provided always, and be it enacted, That the Powers and Authorities by this Act granted for making the said widening and new Line of Road shall not authorize the said Trustees to pull down, or take, use, or injure, any Dwelling House or other Building, or take, use, or injure any Garden, Yard, Park, Lawn, Shrubbery, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (except such as are mentioned in the said Book of Reference so deposited with the Clerk of the Peace as aforesaid,) without the Consent in Writing of the Owner or Proprietors or other Persons interested therein first obtained.

Houses, &c. not to be taken without Consent, except those mentioned in the Book of Reference.

XII. And be it enacted, That it shall be lawful for the said Trustees to make the said new Piece of Road and widening aforesaid in the Lines and in or through the Lands delineated upon the said Map or Plan, although such Lands, or the Situation thereof, or the Names of Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Map or Plan or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

Errors, &c. in the Map, &c. not to prevent Execution of Act.

XIII. And be it enacted, That in case any Lands shall be hereafter purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance in the Lands so purchased in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest therein, shall not (notwithstanding any Provision in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but such Freehold and Inheritance, or the Estate and Interest in such Lands, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Persons in whom the same were vested immediately prior to such Purchase by the said Trustees, and the said Trustees shall by means of such Purchase and Conveyance or Assurance be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

Freehold and Inheritance of Lands to remain in the Persons of whom they are purchased.

XIV. Provided always, and be it enacted, That if at any Time any Lands purchased by the said Trustees under the Authority of this Act shall not be wanted for the Purposes thereof, and the Road for which the same was purchased shall cease to be a Highway, then the Right of Way in or over the said Lands shall cease and be extinguished, and the Freehold and Inheritance in the said Lands in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands in case the same shall be of any other Tenure, shall be and remain in the Persons then entitled to the same, freed and discharged from such Right of Way.

The Right of Way to cease when Land not wanted.



Trustees to have the same Powers of cutting and digging as if they had purchased the Fee Simple.

XV. Provided also, and be it enacted, That the said Trustees shall have the same Power and Authority of cutting, digging, and using the Lands taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Arch or Arches, as the said Trustees would have had in case they had purchased the Fee Simple or the whole Estate and Interest in the said Lands.

Limiting Time for Purchase of Lands.

XVI. Provided also, and be it enacted, That in case the said Trustees shall not within the Space of Three Years from the Commencement of this Act pay for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of Turnpike Roads shall, so far as relate to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively.

Power to erect Toll Gates.

XVII. And be it enacted, That it shall be lawful for the said Trustees to erect and build One or more Toll Gates, Toll Bars, Toll Houses, and Weighing Machines upon the said Road from *Sheffield* to *Tinsley* or such new Line of Road, or upon the Sides thereof respectively, when, where, and as they shall judge necessary, and also from Time to Time to alter or take down, and to erect and reconstruct, or to discontinue or remove, such Toll Gates, Toll Bars, Toll Houses, and Weighing Machines, or any of them, as the said Trustees shall think proper.

Power to take Tolls.

XVIII. And be it enacted, That it shall be lawful for the said Trustees to demand and take, at the several Toll Gates or Toll Bars which shall by virtue of this Act be upon or on the Sides of the said Road from *Tinsley* to *Sheffield* or such new Line of Road respectively, the following Tolls; (that is to say,)

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

For every Horse, Mule, or other Beast drawing any Coach, Stage Coach, Caravan, Chariot, Phaeton, Chaise, Car, Curricule, Taxed Cart, Gig, Hearse, Break, or other such like Carriage, by whatever Name called, the Sum of Two-pence :

For every Horse, Mule, or other Beast (except Asses and Dogs) drawing any Waggon, Wain, Drug, Bone Mill, Thrashing Machine, Cart, or other such like Carriage, if having the Fellies of the Wheels at the Bottom or Sole thereof of less Breadth than Four and a Half Inches, the Sum of Three-pence ;

And if of the Breadth of Four Inches and a Half and less than Six Inches, the Sum of Two-pence ; and

For every Ass or Dog so drawing, One Half of the said respective Sums shall be paid :

For every Horse, Mule, or other Beast drawing Waggon, Wain, Drug, Cart, or other such like Carriage laden with a Block or Blocks of Stone or Marble, or with Timber, or drawing any  
Millstone



Millstone or Millstones, Grindstone or Grindstones, the Sum of Three-pence :

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

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

For every Carriage propelled or drawn by Steam or other Power than Animal Power, the Sum of One Shilling :

Which said respective Tolls shall be taken before any Horse, Mule, Ass, Beast, or other Cattle or Carriage whatsoever, shall be permitted to pass through any Toll Gate or Bar which shall by virtue of this Act be upon or across the said Road from *Sheffield* to *Tinsley* or such new Line of Road, or on the Sides thereof.

XIX. And be it enacted, 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. As to the Fraction of a Halfpenny in Tolls.

XX. Provided always, and be it enacted, That it shall not be lawful for the said Trustees or their Collector to demand or take more than One full Toll, after the Rate herein-before mentioned, for or in respect of the same Horses, Cattle, or Carriages, (except as herein-after otherwise provided,) for passing in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night) over the whole Line of Road from *Tinsley* to *Lady's Bridge* in *Sheffield* aforesaid. Limitation of Tolls.

XXI. And be it enacted, That all Horses and Cattle (except Horses or Cattle drawing any Stage Coach, Waggon, or other Stage Carriage, as herein-after mentioned), in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar on any Part of the said Road or on the Sides thereof, shall, upon a Ticket denoting such Payment being produced, be permitted, in returning through the same Toll Gate or Toll Bar, and in going and returning through such other Gate or Bar (if any) as the Ticket for such a Payment shall free, to pass Toll-free the same Day. Persons having paid Toll to return Toll-free.

XXII. Provided always, and be it enacted, That the Tolls hereby made payable shall be paid for all Horses or Cattle drawing any Post Chaise or other Carriage travelling for Hire, and also for any Drug, Cart, Waggon, or other Carriage carrying or conveying Goods or Merchandize for 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 or Cattle so drawing as aforesaid had been made on the same Day. Post Chaises to pay every Time of passing with a fresh Hiring.

XXIII. And be it enacted, That all Horses and Cattle drawing any Stage Coach, Waggon, or other Stage Carriage conveying Passengers and Goods for Hire or Reward, and any Carriage propelled Regulations as to Stage Coaches, &c.



pelled or drawn by Steam or any other Power than Animal Power, in respect whereof the Toll hereby authorized to be taken shall have been paid at any Toll Gate or Bar, shall, upon a Ticket denoting such Payment being produced, be permitted to pass once Toll-free on the same Day through any other Gate or Bar 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 Toll Gate or Bar 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.

Extra  
Weight to  
pay Double  
Toll between  
1st of Nov.  
and 1st of  
April.

XXIV. And be it enacted, That between the First Day of *November* in every Year and the First Day of *April* in the next succeeding Year it shall be lawful for the said Trustees to demand at each Toll Gate Double the Toll hereby payable for every Horse, Mule, Ass, or other Beast of Draught drawing any Waggon or other Carriage employed in carrying any Timber, Wood, Grindstones, Millstones, or Blocks of Stones, exceeding in the whole One Ton.

As to Tolls  
for Lime or  
Chalk or  
Manure.

XXV. And be it enacted, That it shall be lawful for the said Trustees, at any Meeting to be specially called for the Purpose, to make an Order from Time to Time that the Tolls payable by virtue of this Act for any Horse or Beast drawing any Waggon, Cart, or other Carriage laden only with Lime or Draining Tiles for the Improvement of Land, or returning unladen or empty from having been so employed, shall be reduced to such other Tolls as the said Trustees shall at any such Meeting agree or determine; and after the making of any such Order such reduced Tolls only shall in respect of the Matters last mentioned be payable.

Application  
of Monies to  
be borrowed.

XXVI. And be it enacted, That all Principal Monies which shall be borrowed or received by the said Trustees under or by virtue of this Act, for the Purposes of the aforesaid Road from *Sheffield* to *Tinsley*, and the Improvements thereof, shall be applied in the following Manner; that is to say, in the first place, and in preference to all other Payments whatsoever, in paying and discharging all Costs, Charges, and Expenses which shall have been incurred in preparing, applying for, and obtaining this Act, or otherwise incident thereto; and, in the next place, in defraying the Expenses of making Turnpike and of diverting and improving the said Road.

Application  
of Tolls.

XXVII. And be it enacted, That all Monies which shall arise from Tolls taken under or by virtue of this Act, shall be applied from Time to Time in the following Manner; that is to say, in the first place, in defraying the Expenses of and incident to the Maintenance and Repair of the said Road from *Tinsley* to *Sheffield*, and of the Diversions and Improvements thereof as aforesaid; in the next place, in repaying any Monies, not exceeding Two thousand Pounds, which may be borrowed on preferred Securities, together with Interest to accrue due thereon; and in the next place, in paying and discharging the Interest which may from Time to Time become due and owing in respect of any other Monies borrowed without Preference on the  
Credit



Credit of the Tolls by this Act authorized to be taken; and lastly, in reducing and discharging any Principal Monies which may be borrowed without Preference on the Credit of the Tolls by this Act granted.

XXVIII. And be it enacted, That Mortgages of the said Tolls may be granted to the Extent of Two thousand Pounds in the whole, to take Priority of all other Mortgages or Securities, provided the same be so expressed in such Preference Mortgages: Provided nevertheless, such Power to grant Preference Securities shall cease so soon as Two of Her Majesty's Justices of the Peace for the said West Riding shall have certified that the said Road shall have been made Turnpike, and the said Diversions and Improvements made and executed to their Satisfaction, and the said Trustees shall have borrowed and given Securities for the Monies expended in making the said Road Turnpike, and executing the said Diversions and Improvements, as so certified as aforesaid.

Power to grant Mortgages of Tolls to a certain Extent.

XXIX. And be it enacted, That, subject as after mentioned, it shall be lawful for the said Trustees and they are hereby required to pay yearly out of the Monies and Tolls collected and received by virtue of this Act such Sum and Sums of Money as shall or may be agreed to be accepted by any Person or Persons, being a Creditor or Creditors on the said Tolls, as a Composition or Compositions on and in satisfaction of his, her, or their Security or Securities, to the Amount of One hundred Pounds, according to the Stipulation after mentioned; (that is to say,) that the said Trustees shall, Twenty-one Days at least before the General Meeting in each Year, cause public Notice to be given in some One or more Newspaper or Newspapers circulated in the said West Riding of the County of York, that a Composition or Compositions will be paid for Two Shares of Fifty Pounds each to such Creditor or Creditors on the said Tolls as shall be willing to accept the smallest Composition for his, her, or their Share or Shares, and requiring such Creditors to transmit Proposals in Writing, sealed up, to the Trustees at the said Meeting, specifying therein the lowest Rate *per Centum* which such Creditor or Creditors will accept and take for each and every Share of Fifty Pounds, not exceeding Two, which he, she, or they may have due and owing on the said Tolls, (which said Proposals shall, as soon after the Hour of One of the Clock in the Afternoon of the Day of the said Meeting as convenient, be publicly opened by the Clerk of the Trustees at the said Meeting,) and the Creditor or Creditors whose Proposal or Proposals shall specify the lowest Rate *per Centum* which he, she, or they will accept and take for each of the said Shares of Fifty Pounds intended to be paid off shall have the Preference, and be paid such Sum or Sums of Money as he, she, or they may be willing to accept for the same, by the Treasurer to the said Trustees, at the Expiration of One Calendar Month next after such Meeting, with all Interest then due for the same; and if Two or more of the said Creditors shall deliver in Proposals at the same Meeting for accepting a Composition for any such Share or Shares at an equal Rate *per Centum*, then and in such Case it shall be forthwith determined by Lot, to be fairly drawn by the Clerk to the said Trustees, to which of the

For paying off the Sum of One hundred Pounds yearly, as a Composition for certain Securities on the Tolls.

[Local.]

10 X

said



said Creditors Preference shall be given in Payment of such Composition or Compositions, and the Creditor or Creditors having the casting Lot shall be paid his, her, or their Composition or Compositions at the Time and in manner herein-before mentioned; but if there shall not be any Proposals delivered in at the said annual Meetings or any of them, by any of the Creditors, for accepting any Composition or Compositions as aforesaid for his, her, or their Share or Shares to the Amount of One hundred Pounds, or any Part of that Sum, at a less Rate than the full Amount of the Principal Monies due to him, her, or them on the said Tolls, then and in such Case, but not otherwise, the said Trustees shall and may and they are hereby required, in each and every Year in which such Proposal or Proposals shall not be delivered in as aforesaid, to set apart, by and out of the said Monies and Tolls, the full Sum of One hundred Pounds, or such Part of the same Sum as shall be requisite, to be applied for and towards Payment of the Principal Monies then due and owing on the said Tolls; and the said Trustees shall then cause the Numbers of the respective Securities, with the several Sums for which they are given, to be separately set down in Writing, and put together into a Box or Wheel, and out of such Box or Wheel immediately afterwards cause to be drawn the Numbers of so many of the said Securities as shall be equal in Value or Amount to the Sum so set apart and intended to be paid off; and in One Calendar Month next after such Numbers shall be respectively drawn the Treasurer to the said Trustees shall pay to the Person or Persons who shall be entitled to the respective Securities the Numbers of which shall be drawn as aforesaid, or to the Trustee or Trustees, Guardian or Guardians of such of the Persons so entitled as shall be under Age, such Sum or Sums of Money as shall be due by virtue thereof, which they are hereby required to accept and take accordingly, in discharge of such Securities, or of such Part of the same as shall be thereby satisfied and paid: Provided nevertheless, that so long as any Sum shall be due or owing on any Mortgage by this Act authorized to take Priority of all other Mortgages, all such Sum and Sums so directed to be paid yearly in reduction of the Debt of the said Road shall be wholly applied in repayment of the Principal and Interest secured by Mortgages taking or being entitled to take Priority as aforesaid.

Limitation of Amount to be borrowed.

XXX. And be it enacted, That no greater Amount than Four thousand Pounds shall be borrowed on the Security of the Tolls by this Act authorized to be taken.

When Act for transferring Sheffield Canal to River Dun Company shall have passed, Company shall be freed from Liability under Provi-

XXXI. And whereas a Bill has been introduced into Parliament for transferring the said *Sheffield* Canal to the Company of Proprietors of the Navigation of the River *Dun*, subject nevertheless to the Provisions and Liabilities to which the said Company of Proprietors of that Canal were subject and liable to under or by virtue of the said recited Act of the Fifty-fifth *George* the Third: Be it enacted, That in case the said Bill be passed into a Law in the present Session of Parliament the said Company of Proprietors of the Navigation of the River *Dun*, their Successors and Assigns, shall be freed and discharged from all Liability under the Clauses and Provisions hereby repealed,



repealed, anything in the said Bill when passed into an Act to the contrary thereof in anywise notwithstanding. sions hereby repealed.

XXXII. And be it enacted, That nothing in this Act contained shall be deemed to exempt the Roads comprised in the said lastly mentioned Act, or 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. Roads not exempt from the Provisions of any future general Act.

XXXIII. And be it enacted, 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 Constitution ; (that is to say,) Interpretation of Terms.

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

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

Words importing the Masculine Gender shall include Females :

The Word " Lands " shall be understood to include Messuages, Tenements, and Hereditaments.

XXXIV. And be it enacted, That this Act shall commence and take effect upon the Day of the passing thereof, and shall thenceforth continue and be in force for and during the Residue of the Term now unexpired granted by the said recited Act passed in the Session of Parliament held in the Fourth and Fifth Year of the Reign of Her present Majesty. Limitation of Act.

XXXV. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such. Public Act.

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