



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xiii.

An Act for repairing and improving the Road from *Barnsley* to *Cudworth Bridge*, and from thence into the Turnpike Road leading from *Wakefield* to *Doncaster*, and other Roads connected therewith, all in the West Riding of the County of *York*.
[29th March 1833.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from the Town of Barnsley, by way of Beaver Hole, to Cudworth Bridge, on the present Highway leading to the Town of Pontefract, in the West Riding of the County of York*: And whereas the Trustees appointed in or by virtue of the said recited Act have proceeded to put the same in execution, and considerable Sums of Money have been advanced and borrowed on the Credit of the Tolls authorized to be taken on the said Road by virtue of the said recited Act, which Sums of Money are still due and owing, and cannot be paid off, nor the Interest thereof discharged, nor can the said Road be sufficiently amended, diverted, extended, widened, improved, and effectually maintained and kept in repair, unless the Term and Powers of the said recited Act are enlarged, and the Tolls increased or altered: And whereas it would be of considerable Advantage to the Inhabitants in the Neighbourhood of the said Turnpike Road, and to the Public, if the present Highway leading

[Local.] Y y from

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from the Termination of the said Turnpike Road at *Cudworth Bridge* to the Turnpike Road leading from *Wakefield* to *Doncaster* in the Township and Parish of *Ackworth*, in the said Riding, were made Turnpike, and put under the Care of the Trustees for repairing the said Turnpike Road; also if the present Highway branching from and out of the aforesaid Turnpike Road at or near *Cundy Cross Bar*, and communicating with the *Doncaster* and *Saltersbrook* Turnpike Road at or near to *Stairfoot* in the Township of *Ardsley* in the said Riding, and also if the present Highway branching from and out of the aforesaid Turnpike Road at or near *Cundy Cross Bar* aforesaid to and into the Village of *Burton* otherwise *Monkbretton* in the said Riding, and ending at a certain Place at the South Entrance of the said Village called *Shepcote*, were made Turnpike, and put under the Care of the same Trustees: And whereas it is expedient that the said recited Act should be repealed, and that other Powers and Provisions should be granted and made instead thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 upon the Day of the Commencement of this Act the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby declared to be repealed.

Recited Act
repealed.

This Act
to be put in
execution in-
stead thereof.

II. And be it further enacted, That this Act shall be put in execution, for and during the Term herein-after granted, for the Purpose of more effectually repairing, amending, improving, and keeping in repair the Turnpike Road aforesaid from the Town of *Barnsley*, by way of *Beaver Hole*, to *Cudworth Bridge*, through the several Parishes or Townships of *Silkstone*, *Barnsley*, *Darfield*, *Ardsley*, *Burton* otherwise *Monkbretton*, and *Roystone*; and for making Turnpike and improving the Road or Highway from *Cudworth Bridge* aforesaid to the Turnpike Road leading from *Wakefield* to *Doncaster* in the said Township and Parish of *Ackworth*; also for making Turnpike and improving the Road or Highway from near to *Cundy Cross Bar* to the *Doncaster* and *Saltersbrook* Turnpike Road at or near *Stairfoot* in the Township of *Ardsley*; and also for making Turnpike and improving the Road or Highway from near *Cundy Cross Bar* aforesaid to a certain Place at the South Entrance of the Village of *Burton* otherwise *Monkbretton* aforesaid called *Shepcote*, all in the West Riding of the County of *York*.

Appointment
of Trustees.

III. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *Richard Adams*, *William Henry Addey*, *Joseph Addey*, *George Allott* Clerk, *Robert Allott*, *James Allott*, *Charles Edward Armstrong* Clerk, *Joseph Askin*, *William Bamforth*, *John Staniforth Beckett*, *William Bingley*, *John Birks*, *Joseph Clarke*, *Robert Couldwell Clarke*, *William Clarke*, *James Cocker*, *Samuel Cooper*, *John Cordeux*, *Richard Crookes*, *John Cuttle* of *Shafton*, *Richard Day*, *Benjamin Day*, *Robert Elmhirst*, *William Elmhirst*, *George Savile Foljambe*, *John Garland*, *Charles Gleadall*, *John Goldsworthy*, *George Bustard*

Bustard Greaves, John Gully, Joshua Hepworth, William Hepworth, John Hepworth, Joseph Hall, Joseph Hall junior, Edward Hay Clerk, John Haywood, George Andrew Helleley, George Jarratt Horsfall, Robert Hoyland, John Hoyland junior, Edward Jackson, Thomas Jackson, Henry Jackson, George Keir, Francis Kendray, James Lister, Joseph Machon, Francis Marchant Doctor of Medicine, Matthias Mason, Daniel Maude, Francis Maude Clerk, William Cookes Mence, Joseph Stocks Methley, John Micklethwait of Ardsley, John Micklethwait of Melbourn, John Micklethwait of Felkirk, William Newman, Edward Newman, George Pitt, William Poppleton, James Porter, William Porter, Joseph Porter, Richard Raywood, William Shepherd, Thomas Wood Simpson Clerk, Joseph Speight, Edward Taylor, Thomas Taylor, Charles Tee, Joseph Tempest, John Thornely, Richard Thorp, John Vincent, Matson Vincent Clerk, William Vollans Clerk, Robert Willan Clerk, Thomas Winsmore Wilson, Christopher Wilson, Matthew Wilson, Charles Winn, John Whitworth, Michael Woodcock, Samuel Francis Wood, William Wordsworth Clerk, and Arthur Bland Wrightson Clerk, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be and they are hereby appointed Trustees for repairing the several Roads herein-before mentioned, and for otherwise putting this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect, nominate, and appoint any Number of Persons, being duly qualified to act as Trustees of Turnpike Roads in England, (not exceeding Three in the whole, in addition to the Number of Trustees herein named and appointed,) to be Trustees for the Purposes of this Act; and such Persons so elected and appointed shall be Trustees for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to
appoint
additional
Trustees.

V. And be it further enacted, That the Trustees for executing this Act shall meet at the House known by the Name or Sign of the *King's Head* Inn, in the Town of *Barnsley* aforesaid, or at some other convenient Place in the said Town, on the Day of the Commencement of this Act, or as soon after as conveniently may be, and shall then and there proceed to put this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time or Times, and at such Place or Places within the said Town or elsewhere in the Neighbourhood of the said Roads as they shall think proper: Provided always, that the first *Wednesday* in every alternate Month, commencing with the Month of *May* next, shall be a Day of Meeting of the said Trustees for executing this Act, without publishing any Notice on any Turnpike Gates or in any Newspaper, any Law or Statute to the contrary notwithstanding.

First and
subsequent
Meetings of
Trustees.

VI. And be it further enacted, That the several Toll Gates or Turnpikes and Side Gates or Chains, and Toll Houses, now standing and being or erected in pursuance of the said recited Act, shall remain and be continued until removed by any Order or Orders of the said Trustees;

Power to
continue the
present Gates
and erect
others.

Trustees ; and it shall be lawful for the said Trustees to order and cause to be erected, set up, and built, upon or across the said Roads, or on the Sides thereof, or any Part thereof, when, where, and as they shall judge necessary, any Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Chain or Chains, Weighing Machine or Weighing Machines, and also from Time to Time to order and cause to be taken down and removed, or altered or discontinued, the same present Toll Gates, Turnpikes, Side Gates, Chains, and Toll Houses, or such future Toll Gates, Turnpikes, Side Gates, Chains, and Weighing Machines, or any of them, as they the said Trustees shall think proper.

Power to take
Tolls.

VII. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed or continued Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls following at the several and respective Toll Gates or Turnpikes, or Side Gates or Chains, or Toll Houses, which are or is or shall be standing or being or continued or erected by virtue of this Act upon, across, or on the Side or Sides of the said Roads or any Part thereof, on every Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night ; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Sociable, Berlin, Phaeton, Landau, Chariot, Vis-à-vis, Curricle, Gig, Hearse, Litter, Stage Coach, Caravan, Van, or other such Carriage, the Sum of Seven-pence Halfpenny :

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of less Breadth than Four and a Half Inches, the Sum of Nine-pence :

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and under Six Inches, the Sum of Seven-pence :

For every Horse or other Beast drawing any Waggon, Cart, Dray, or other such Carriage having the Sole or Bottom of the Fellies of the Wheels thereof of the Breadth of Six Inches or upwards, the Sum of Sixpence :

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

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

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

Which said respective Tolls or Sums of Money shall be demanded and taken before any Horse, Mule, Ass, or other Beast or Cattle, or Carriage whatsoever, shall be permitted to pass through any Toll Gate or Turnpike, or Side Gate or Chain, which shall be continued, erected, or placed by virtue of this Act in, upon, or across the said Roads, or on the Sides thereof, or any Part thereof ; and which said respective Tolls or Sums of Money shall be and are hereby vested in the said Trustees, and shall be applied for the Purposes of this Act in manner herein-after directed.

VIII. And

VIII. And be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Calculation or Amount of the Tolls herein mentioned, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

As to a Fraction of a Halfpenny in Tolls.

IX. Provided also, and be it further enacted, That if any Person shall have paid such Toll at any Toll Gate, Turnpike, Side Gate, or Chain to be erected or continued by virtue of this Act, in respect of any Horse, Beast, or Cattle for passing through the same, such Horse, Beast, and Cattle shall be allowed to repass, and again to pass and repass twice for each such Payment, Toll-free, in the same Day (to be computed as aforesaid), through the same Toll Gate, Turnpike, Side Gate, or Chain, and also through any other Toll Gate or Toll Gates, Turnpike or Turnpikes, Side Gate or Side Gates, or Chain or Chains (if any), on the said Roads, which the Ticket for such Payment shall free, on producing the Note or Ticket denoting such Payment.

Horses, &c. to pass Three Times for each full Toll.

X. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the said Trustees, or any Collector or Collectors or Lessee or Lessees of the Tolls, to demand or take the respective Tolls aforesaid at any greater Number of Gates than Two for or in respect of the same Horses, Beasts, or Cattle passing and repassing once through all the Toll Gates or Turnpikes, or Side Gates or Chains, now erected or which hereafter may be erected along the whole Line of the said Roads, in any One Day (to be computed as aforesaid).

Limiting the Number of Tolls on the whole Line of Roads.

XI. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or any Cart or Carriage whatever conveying Passengers or Goods for Hire or Reward, shall be payable and paid for each Time of passing or repassing through the said Toll Gates, Turnpikes, Side Gates, or Chains on the said Roads: Provided also nevertheless, that no further or additional Toll shall be payable in respect of any Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, Cart, or Carriage, on account only of the Horses or Beasts drawing the same having been changed between any Gates freeing each other by Tickets.

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

XII. Provided also, and be it further enacted, That the Tolls hereby made payable for or in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise or other Carriage, shall be payable and paid for each Time of passing or repassing along the said Roads, whenever any fresh Hiring thereof shall take place.

Post Chaises on every fresh Hiring.

XIII. And whereas the Commissioners acting in execution of an Act of Parliament made and passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public*

Tolls made subject to Debt due to the Exchequer Loan Commissioners.

[Local.]

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Works

Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts, and the Acts therein recited or referred to, and the several Acts subsequently passed for amending the same, did, on or about the Twenty-sixth Day of December One thousand eight hundred and twenty-seven, under the Provisions of the said Acts, or some or one of them, advance and lend to the Trustees acting under and in pursuance of the said recited Act of the Sixth Year of the Reign of His late Majesty King George the Fourth the Sum of One thousand six hundred and fifty Pounds, in Exchequer Bills, for the Purposes of completing the Line of Road thereby authorized to be made, the Repayment of which Advance, by an annual Instalment of Eighty-two Pounds Ten Shillings on account of Principal, with Interest at Five Pounds per Centum per Annum on the Principal from Time to Time remaining due, was secured to the said Commissioners by a certain Indenture of Mortgage under the Hands and Seals of certain of the Trustees acting under the said last-mentioned Act, and bearing Date the said Twenty-sixth Day of December One thousand eight hundred and twenty-seven, whereby, for the Considerations therein mentioned, they the said Trustees did assign unto William Holden, the then Secretary of the said Commissioners, all and every the Rates, Tolls, and Receipts whatsoever accruing or which should or might thereafter accrue, arise, be taken, collected, or received from or by virtue of the said Act of the Sixth Year of the Reign of His said late Majesty King George the Fourth, or any Act or Acts of Parliament therein recited, mentioned, or referred to, or any other Act or Acts of Parliament relating to the said Road, and the Toll Gates, Toll Bars, and Toll Houses then already made and erected, or thereafter to be made and erected for collecting the same Tolls, and by the Bond or Obligation of Sir George Wombwell Baronet, John Haywood, Richard Day, Joseph Clarke, and James Porter, bearing even Date therewith, as in the said Indenture and Bond is particularly expressed : And whereas a great Part of the said Sum of One thousand six hundred and fifty Pounds still remains due ; be it therefore enacted, That all and every the Rates, Tolls, and Receipts which shall accrue, arise, be taken, or received under or by virtue of this Act shall be liable for and applicable to the Repayment of the said Sum of One thousand six hundred and fifty Pounds, with Interest at the Rate aforesaid, in such and the like Manner to all Intents and Purposes as the Rates, Tolls, and Receipts receivable under the said Act of the Sixth Year of the Reign of His said late Majesty were applicable to the Repayment of the same, and as if this Act had been expressly mentioned and referred to in and by the said Indenture and Bond ; and that the said Mortgage and Bond shall be entitled to the like Priority of Security which the same may now possess over any other Mortgages or Securities already granted and executed, or which shall or may hereafter be granted and executed, by the Trustees acting under the said recited Act and this Act, or either of them, upon the Credit of the Tolls and Duties collected or which shall or may hereafter arise and be collected under the Authority of the said first herein-before recited Act or this Act, any thing in the said recited Act or this Act contained to the contrary thereof in anywise notwithstanding.

XIV. And

XIV. And be it further enacted, That all the Monies already subscribed or which shall hereafter be subscribed for the Purpose of making the said Extension of Road along the present Highway from or near to *Cudworth Bridge* aforesaid, to the Turnpike Road leading from *Wakefield* to *Doncaster* aforesaid, and the said Highway from or near to *Cundy Cross Bar* aforesaid to the *Doncaster* and *Salterbrook* Turnpike Road at or near to *Stairfoot* aforesaid, and the said Highway from or near to *Cundy Cross Bar* aforesaid to the South Entrance of the Village of *Burton* otherwise *Monkbretton* at the said Place called *Shepcote*, shall, in the first place, be applied in Payment and Discharge of all the Costs, Charges, and Expences which shall have been incurred in applying for, preparing, obtaining, and passing this Act, and otherwise relating thereto; secondly, in improving the said Extension of Road and Branches, and in erecting and providing Toll Gates, Turnpikes, Side Gates, Chains, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides thereof; thirdly, as to the remaining Part thereof, together also with all the Monies which shall have been raised and produced by virtue of the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, hereby repealed, or on account of the Road therein comprised, and which shall be remaining undisposed of on the Day of the Commencement of this Act, and also all the Monies which shall arise and be produced by and from the Tolls by this Act granted and made payable on all the several Roads comprised in this Act, together with the Monies which have been or shall be borrowed on the Credit thereof, and all other Monies which shall arise and be produced by virtue thereof, (after Payment of the necessary Expences from Time to Time of Books, Advertisements, Salaries of Officers, and other necessary current Expences incidental to the Execution of this Act,) in paying to the said Commissioners acting in execution of the said Act of the Third Year of the Reign of His late Majesty such annual Instalments as aforesaid on account of the Remainder of the said Principal Sum of One thousand six hundred and fifty Pounds, with Interest after the Rate of Five Pounds *per Centum per Annum* on the Principal from Time to Time remaining due, until the whole thereof shall be paid off; fourthly, in repaying to the said Parties who so as aforesaid became bound for the said Principal Sum of One thousand six hundred and fifty Pounds, and Interest, such Sum or Sums of Money as they or any of them may have advanced and paid out of their own proper Monies to the said Commissioners acting in execution of the said Act of the Third Year of the Reign of His late Majesty in Reduction of the said Principal Sum and Interest, and also any further Sum or Sums which such Sureties may hereafter advance for such Purposes, together with Interest for the same; fifthly, in Repayment of all Monies already subscribed or hereafter to be subscribed for making or putting into repair the said Extension of Road and Branches by this Act authorized to be made, with Interest; sixthly, in altering and repairing the then existing, or in erecting and providing additional Toll Gates, Turnpikes, Side Gates, Chains, and Toll Houses, with suitable Outbuildings, upon, across, and by the Sides of all the said Roads, and in paying and discharging the floating Debt already incurred in making and improving the said Turnpike Road, with Interest; seventhly, in paying and

Application
of Monies.

and discharging the Interest now or hereafter to accrue or become due upon the several Principal Sums of Money which have been borrowed or secured in pursuance of and for the Purposes of the said recited and hereby repealed Act; and lastly, in paying off and discharging such last-mentioned Principal Sums, and all other Debts and Sums of Money now owing and which may hereafter become due and owing on account of the said several Roads, or any of them.

Expence of
Repairs of
Branch
Roads.

XV. Provided always, and be it further enacted, That no Money arising from any of the Tolls mentioned in this Act shall be applied in or towards the Repair of any Branch Road comprised in this Act, unless some Toll Gate, Turnpike, Side Gate, or Chain shall be erected and continued upon such Branch Road, nor unless the said Tolls shall be demanded and taken thereat pursuant to the Powers and Provisions of this Act: Provided also, that no more Money shall be expended by the said Trustees in or towards the Repair of any such Branch Road than shall be collected thereon, or borrowed on the Credit of the Tolls collected thereon.

No Money
received
under this
Act to be ex-
pended in
repairing
Streets.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Act hereby repealed, or to be raised by virtue of this Act, in repairing, lighting, or improving any Street, Highway, or Place in the said Town of *Barnsley*, or to collect any Tolls by virtue of this Act therein.

Public Act.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Term of Act.

XVIII. And be it further enacted, That this Act shall commence and take effect upon the Second *Wednesday* after the Day of the passing thereof, and shall continue and be in force for and during the Term of Thirty-one Years, and from thence to the End of the then next Session of Parliament.

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