

ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. lxxxiv.

An Act for altering, improving, diverting, and maintaining the Road from Rotherham to the Four Lane Ends, near Wortley, in the West Riding of the County of York.

[29th May 1830.]

HEREAS an Act was passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Third, intituled An Act for continuing the Term and altering the 28G.3.c.110. Powers of certain Acts of Parliament, so far as the same relate to repairing the Road from Rotherham to the Four Lane Ends, near Wortley, in the West Riding of the County of York, and for discharging the Trustees from the Care of the Road from the Four Lane Ends aforesaid to Hartcliffe Hill: And whereas another Act was passed in the Forty-eighth Year of the Reign of His said late Majesty, intituled An Act for continuing the Term and altering and enlarging the 48 G. 3. c. 91. Powers of an Act of His present Mrjesty, for repairing the Road from Rotherham to the Four Lane Ends, near Wortley, in the West Riding of the County of York: And whereas the Trustees appointed in and by virtue of the said recited Acts have proceeded to put the same in execution, and for that Purpose have borrowed several Sums of Money on the Credit of the Tolls authorized by the said recited Acts to be demanded and taken, which Sums of Money still remain undischarged, and cannot be paid off, nor can the said Road be [Local.] efficiently

efficiently improved or kept in a proper State of Repair, unless the Term granted by the said recited Acts be enlarged: And whereas that Part of the said Road which lies between Chapeltown, in the Parish of Ecclesfield in the County of York, and the Four Lane Ends aforesaid, is in many Places exceedingly hilly and inconvenient, and a much more level and safe Road is capable of being made by a Diversion from the present Line of Boad, commencing at or near Chapeltown aforesaid, and terminating in the new Turnpike Road leading from Sheffield, to Halifax, at or near a Place called Hall Wood, in the said Parish of Ecclesfield: And whereas it is expedient that the said recited Acts of the Twenty-eighth and Forty-eighth Years of the Reign of His said late Majesty should be repealed, and that further and other Provisions should be granted in lieu thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: 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 on the Third Wednesday next after the passing of this Act the said recited Acts passed respectively in the Twenty-eighth and Forty-eighth Years of the Reign of His said late Majesty King George the Third shall be and the same are hereby declared to be repealed.

Recited Acts repealed.

This Act to

be put in

execution.

II. And be it further enacted, That from thenceforth this Act shall commence and take effect and be put in execution, for and during the Term herein-after mentioned, for the Purpose of more effectually repairing, altering, diverting, and from Time to Time improving and keeping in repair the said Turnpike Road from Rotherham to the Four Lane Ends aforesaid.

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 the Right Honourable Charles William Wentworth Fitzwilliam commonly called Viscount Milton, the Right Honourable Henry Charles Howard commonly called Earl of Surrey, the Honourable John Stuart Wortley, the Honourable Charles Stuart Wortley, the Honourable James Stuart Wortley, Jonathan Alderson Clerk, William Alderson Clerk, John Carver Athorpe, Sir William Chambers Bagshawe, William John Bagshawe, John Brown, William Bingley, Charles William Bingley, Jonathan Bray, Richard Brooke, Charles Brownell, Thomas Barrowclough, William Battie (Cooper), Thomas Newman Bardwell, Thomas Badger, Edward Barker, Samuel Bailey, Verdon Brittain, Benjamin Burbeary, John Butcher, Charles Brookfield, Stuart Corbett Doctor in Divinity, Stuart Corbett the younger, Vincent Corbett, Edward Cleathero, Samuel Clarke, Edward Chorley Doctor of Medicine, Alexander Cooke Clerk, William Carr, John Denton, John Denton the younger, Joshua Denton, George Denton, Vincent Henry Eyre, Francis Offley Edmunds, John Fountain Elwyn, Charles Wolff Eyre Clerk, Michael Ellison, Robert Elmhirst, Henry Elgie, William Fisher, Robert Fisher, Thomas Furniss, John Foster Clerk, John Foster, John Fowler, John Bernard Furniss, William Fletcher, Thomas Fletcher, George Bustard Greaves, Richard Greaves,

Greaves, George Hoyle, William Hoyle, John Hoult, Rowland Hodgson, John Hutchinson, William Hutchinson, Bartholomew Hounsfield, Charles Hampshire, John George Healey, Charles Hobson, Thomas Haywood, Thomas Hounsfield, Samuel Hadfield, Joseph Hadfield, William Jubb, William Jubb the younger, John Jeffcock, Samuel Kirk, Arnold James Knight Doctor of Medicine, John Lowe Clerk, John Lowe the younger, Clerk, James Lowe Clerk, William Loxley, Thomas Loxley, Joseph Levick the younger, Marmaduke Middleton Middleton, Jonathan Marshall, Enock Moore, Francis Maude Clerk, William Newman, Edward Newman, John Oxley, Hugh Parker, Samuel Parker, Henry Preston, Adamson Parker, Francis Parker Clerk, William Parker, Lawrence Potts, Joseph Parkins, Thomas James Parker, Francis Parker, Samuel Poles, Kenyon Stevens Parker, Thomas Pearson, Thomas Pashley, William Potter, John Read, Joseph Read, John Roodhouse, Thomas Richard Ryder Clerk, John Rider, James Rimington, Benjamin Rose, Richard Swallow, Richard Stanley, Benjamin Sayle, James Sorby, John Sorby, Henry Sorby, Edwin Sorby, Alfred Sorby, William Smith, William Smith the younger, George Walker Smith, William Aldam Smith, Edward Smith, John Stenton, William Stenton, Thomas Stirling, Mark Skelton, Joseph Dixon Skelton, Offley Shore, Thomas Smith, (Constable, Sheffield,) William Smith, Sheffield, Simeon Tingle, Joseph Hatfield Turner, John Turner, Charles Tee, Samuel Tinker, Henry Walker, Joshua Walker, Jonathan Walker, Samuel Walker, Joseph Wheatley, John Woodcock, George Woodcock, James Wheat, Henry Wheat, Thomas Asline Ward, John Ward, Joseph Ward, Samuel Woodcock, John Watson, James Wilkinson, Robert Woodcock, Thomas Wheatley, and their Successors, being duly qualified to act as Trustees of Turnpike Roads in England, shall be and they are hereby appointed Trustees for carrying this Act into execution.

IV. And be it further enacted, That it shall be lawful for the said Power to Trustees, and they are hereby authorized and empowered, at their appoint ad-First or any subsequent Meeting to be holden in pursuance of this Trustees. Act, to elect any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected and being duly qualified shall be and they are hereby invested with the same Powers and Authorities as if they had been named and appointed in and by this Act.

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V. And be it further enacted, That the said Trustees shall hold FirstMeeting their First Meeting at the House known by the Sign of the Coach and of the Trus-Horses, in Chapeltown aforesaid, or at some other convenient Place tees. in the Neighbourhood of the said Road, on the said Third Wednesday next after the passing of this Act, or as soon after as conveniently may be; and the said Trustees shall and may then and from Time to Time after adjourn to and meet at such Times and at such Place or Places in the Neighbourhood of the said Road as they shall think proper.

VI. And be it further enacted, That it shall be lawful for the said Power to set Trustees, or for such Person or Persons as they shall employ for that out and make the Diversion Purpose,

or new Line of Road.

Purpose, and they are hereby fully authorized and empowered, to set out, form, make, and complete the said Diversion or new Line of Road before mentioned, and described and referred to in and by the Map or Plan herein-after mentioned, with all necessary Ditches, Drains, Gutters, and Tunnels, in and upon the same, or in and upon the Lands adjoining or near thereto, in, along, upon, through, or over any Part or Parts of the said Highway leading from Chapeltown to Bracken Hill aforesaid, or any Commons or Waste Grounds, without making any Satisfaction for the same, and also in, upon, along, through, or over any private Lands, Grounds, Tenements, Hereditaments, and Premises, making Satisfaction to all Persons interested therein; and for the Purposes aforesaid it shall be lawful for the said Trustees, their Surveyor or Surveyors, Officers, Servants, and Workmen, with or without Carriages or Cattle, to enter into and upon the said Lands, Grounds, Tenements, Hereditaments, and Premises in, upon, along, through, and over which the said Diversion or new Line of Road is intended to pass, or the Lands and Grounds adjoining thereto, doing as little Damage as may be in the Execution of the Powers and Authorities hereby given, and making Satisfaction for all the Damage which shall be sustained by the Owners and Occupiers of and other Persons interested in such Lands, Grounds, Tenements, Hereditaments, and Premises respectively, by the Execution of all or any of the Powers and Authorities by this Act given and created; and such Diversion or new Line of Road when made and completed shall from thenceforth be vested in the said Trustees, and form Part of the Road to be maintained by them by virtue of this Act.

Map, &c. deposited with the Clerk of the Peace to and be open to Inspection.

VII. And whereas a Map or Plan of the said intended Diversion or new Line of Road, and the Lands, Grounds, Tenements, Hereditaments, and Premises through, along, or over which the same is to be made or carried, and also a Book of Reference containing remain there, Lists of the Names of the several Owners or reputed Owners and Occupiers of such Lands, Grounds, Tenements, Hereditaments, and Premises, has been deposited at the Office of the Clerk of the Peace of the said West Riding of the County of York; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace of the said Riding, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies of or Extracts therefrom, at their Will and Pleasure, paying to the Clerk of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts.

to deviate more than 100 Yards from Plan.

Trustees not VIII. And be it further enacted, That the said Trustees, in making such Diversion or new Line of Road, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation or Deviations shall be made.

IX. Provided always, and be it further enacted, That if any of the Misnomers Lands, Grounds, Tenements, Hereditaments, and Premises to be taken or used for the Purposes of this Act shall happen not to be Execution of described in the said Map or Plan, or any of the Owners or Occupiers the Act. of the same, or any of the Lands, Grounds, Tenements, Hereditaments, and Premises described in the said Map or Plan, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Book of Reference, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of this Act. but the several Lands, Grounds, Tenements, Hereditaments, and Premises, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the same had been accurately described in the said Map or Plan and Book of Reference respectively, and as if the Owners and Occupiers of the same had not been omitted or were properly or accurately named, provided that it shall appear to Two or more Justices of the Peace of the said West Riding, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake, or that the real or reputed Owners or Occupiers of such Lands, Grounds, Tenements, Hereditaments, and Premises had Notice that the same would be wanted for the Purposes thereof.

not to pre-

X. Provided also, and be it further enacted, That the said Diversion New Road or new Line of Road shall not be opened to the Public, or become a public Road or Highway, (except so much and such Parts thereof complete as shall pass along or over the said present Highway leading from before it is Chapeltown to Bracken Hill aforesaid,) until Two Justices of the opened to Peace acting for the said West Riding of the County of York, the Public. legally assembled at a Petty Sessions, shall have certified that the said Road, and the Culverts, Embankments, and other Works thereon respectively, are completely made and fit to be travelled upon throughout the whole Length of such Diversion or new Line of Road.

to be cer-

XI. And be it further enacted, That the Powers and Authorities Houses, &c. hereby given shall not extend or be construed to extend to empower not to be or authorize the said Trustees to take or pull down any Dwelling out Consent, Houses or other Buildings, or to take in or make use of any Curtilage, except those Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted mentioned in Walk, Avenue to a House, or any inclosed Ground planted and set the Schedule. apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owner or Proprietor thereof or other Person interested therein first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

XII. And be it further enacted, That in case the said Trustees Limiting the shall not purchase the Lands, Grounds, Tenements, Hereditaments, Power of and Premises mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers Five Years. granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being respectively.

purchasing Property to

[Local.]

XIII. Pro-

Old Road to be given up when Diversion is completed.

XIII. Provided always, and be it further enacted, That when and so soon as the said Diversion or new Line of Road shall be made and completed, and shall have been certified, in manner herein-before directed, to be fit for the Public to travel upon, then and from thenceforth the said Trustees appointed by this Act shall be relieved and discharged from the Care and Management, and cease to be subject or liable to the Maintenance and Repair, of so much of the present Line of the said Road as shall lie and be situate between the Commencement of the said intended Diversion or new Line of Road at or near Chapeltown aforesaid and the Four Lane Ends aforesaid.

Power to take Tolls.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the several Tolls next herein-after mentioned at the several and respective Toll Gates, Turnpikes, Side Gates, and Chains which shall be continued or erected by virtue of this Act, before any Horse, Cattle, or Beast, or any Carriage whatsoever, shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Berlin, Landau, Chariot, Chaise, Chaise Marine, Calash, Hearse, or Chair, the Sum of Sixpence Three Farthings:

For every Horse or other Beast drawing any Waggon, Wain, Cart, or other such Carriage, the Sum of Four-pence Halfpenny:

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

For every Drove of Oxen or other Neat Cattle, the Sum of One Shilling and Three-pence per Score, and so in proportion for any less Number:

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Seven-pence Halfpenny per Score, and so in proportion for any less Number:

Which said Tolls shall be and the same are hereby vested in the said Trustees for the Purposes of this Act.

Fraction of a Halfpenny in Tolls.

XV. 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 by this Act authorized to be collected, or any of them, the Sum of a Halfpenny shall be demanded and taken in lieu of such fractional Part.

Tolls to be paid but once in the same Day at the same Gate.

XVI. Provided always, and be it further enacted, That after the respective Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Cattle, Beast, or Carriage through any Turnpike, Toll Gate, Side Gate, or Chain to be continued or erected by virtue of this Act, such Horse, Beast, Cattle, or Carriage, on the Production of a Ticket denoting such Payment on that Day, shall be permitted to pass Toll-free through the same Turnpike, Toll Gate, Side Gate, or Chain, and also through such Turnpike, Toll Gate, Side Gate, or Chain (if any) as the Ticket for such Payment shall free, at any Time or Times during the same Day, such Day to be computed from Twelve of the Clock in one Night to Twelve of the Clock

Clock in the next succeeding Night, (except as herein-after provided or mentioned,) any thing herein contained to the contrary thereof in anywise notwithstanding.

XVII. Provided also, and be it further enacted, That no more than Limiting the Two full Tolls shall be demanded or taken in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night) for or in respect of the same same Day. Horses, Cattle, Beasts, or Carriages passing or repassing through all the Turnpikes, Toll Gates, Side Gates, or Chains to be continued or erected by virtue of this Act, but all and every Persons and Person after having paid Two full Tolls as aforesaid, and producing a Ticket or Tickets denoting the Payment of such Tolls, shall afterwards be permitted to pass with the same Horses, Cattle, Beasts, and Carriages, Toll-free during such Day (except as herein-after provided or mentioned).

Number of Tolls to be taken in the

XVIII. Provided always, and be it further enacted, That the Tolls Payment of hereby made payable for and in respect of Horses or other Beasts Tolls by drawing any Stage Coach, Van, Caravan, Waggon, or other Carriage Coaches; conveying Passengers or Goods for Pay or Reward, or any Stage Coach, Diligence, Van, or Caravan, or other Carriage, propelled by Machinery, used for the same Purpose, shall be payable and paid every Time of passing or repassing along the said Road; and the by Post Tolls hereby made payable for or in respect of Horses or Beasts Chaises, &c. let out to Hire, and drawing any Post Chaise or other Carriage, or any Post Chaise or other Carriage propelled by Machinery let out to Hire, shall be payable and paid every Time of passing along the said Road, whenever any new Hiring thereof shall take place: Provided nevertheless, that no further or additional Toll shall be payable in respect of any Stage Coach, Van, Caravan, Waggon, or other Carriage conveying Passengers or Goods for Pay or Reward, on account only of the Horses drawing the same having been changed.

Stage

XIX. And whereas an Act was passed in the Seventh Year of the Agreement Reign of His present Majesty King George the Fourth, intituled An Act for more effectually repairing the Road from Halifax to Sheffield Trustees for in the West Riding of the County of York, so far as relates to the executing Act Third District of the said Road, and for diverting and altering the 7G.4.c.127. said District of Road: And whereas that Part of the said last-mentioned Road which lies or is situate between the Point at or near which the said intended Diversion or new Line of Road is meant to terminate and the Four Lane Ends aforesaid, measures in Length Two Miles or thereabouts only, and it would be exceedingly injurious and detrimental to the Interests of the Road to be made and maintained by virtue of this Act if the Persons travelling thereupon or using the same should, in addition to the Tolls by this Act authorized to be taken, be subject or liable to the Payment of a further Toll to be demanded and taken, under or by virtue of the said recited Act of the Seventh Year of the Reign of His present Majesty, at any Toll Gate, Bar, or Chain upon, across, or on the Side or Sides of that Portion of the said Third District of the said Halifax and Sheffield

to be entered

Sheffield Turnpike Road herein-before particularized; and it would be more convenient for a Compensation to be made to the Trustees acting in the Execution of the said last-recited Act, for the Use of the said Portion of Road, by an Allowance to them of a proportionate Part of the Tolls which should be taken under or by virtue of this Act at the Turnpike or Toll Gate nearest to the said Halifax and Sheffield Turnpike Road; be it therefore enacted, That it shall be lawful for the said Trustees acting in the Execution of this Act, in case the said Diversion or new Line of Road hereby authorized shall be made, to contract and agree with the said Trustees for executing the said recited Act for the Payment to the said lastmentioned Trustees of such Proportion of the Expence of repairing and keeping in repair the said Piece of Road which lies or is situate between the Point at or near which the said intended Diversion or new Line of Road is meant to terminate and the Four Lane Ends aforesaid, as shall be a fair Equivalent for the Passage of Horses, Cattle, Beasts, and Carriages passing and repassing upon the same, and having travelled or afterwards travelling on the Road included in this Act; and from and after the Period of any such Agreement being made and entered into as aforesaid, no Toll shall be demanded or taken on that Part of the said Road in respect of such Horses, Cattle, Beasts, and Carriages.

Application of Tolls and

XX. And be it further enacted, That all the Monies which already have been raised and produced by virtue of the said recited Acts other Monies. of the Twenty-eighth and Forty-eighth Years of the Reign of His said late Majesty, and which on the Day of the Commencement of this Act shall remain undisposed of, and also all Monies which shall hereafter be raised or produced under or by virtue of this Act, shall in the first place, and in preference to all other Payments, be paid and applied by the said Trustees in paying and discharging all the Costs, Charges, and Expences of, incident to, or in anywise relating to the obtaining and passing of this Act, with lawful Interest for the same, and then be paid and applied in defraying the Expences of making the said Diversion or new Line of Road, and in purchasing Lands and Hereditaments, and in purchasing and procuring Materials for that Purpose, and of erecting, making, or providing Toll Gates, Turnpikes, Bars, Gates, Chains, Weighing Machines, and Toll Houses, with Outhouses and Conveniences thereto, and of making, providing, or erecting Footpaths, Causeways, Ditches, Walls, Fences, Boards, Lamps, Books, and other Matters and Things requisite for carrying this Act into execution; and after Payment of all such Expences the Remainder of such Monies shall from Time to Time be applied in keeping down in the first place the Interest of the Monies which shall have been borrowed and secured in pursuance of and for the Purposes of the said Acts of the Twenty-eighth and Forty-eighth Years of the Reign of His said late Majesty, or which shall or may hereafter be borrowed and secured in pursuance of and for the Purposes of this Act; and lastly, in reducing, paying off, and discharging the said Principal Monies so borrowed and secured, or to be borrowed and secured as aforesaid.

XXI. And be it further enacted, That this Act shall be deemed Public Act. and taken to be a Public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

XXII. And be it further enacted, That this Act shall commence Commence on the said Third Wednesday next after the passing thereof, and shall continuance continue and be in force for Thirty-one Years, and from thence to of this Act. the End of the then next Session of Parliament.

The SCHEDULE to which the aforegoing Act refers.

In the Township and Parish of Ecclesfield.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Occupiers.
3	Four undivided Gardens -{	Devisees of Benj. } Haigh Allen - }	John Booth, Abraham Ashforth, John Plotts, and Sarah Addy.
4	Orchard or Croft	Lydia Freeman -	Joseph Smith.
5	Yard and Stack-yard	Ditto	Ditto.
6	Two Gardens	Ditto	Ditto.
7	Orchard, Garden, and Frontage	Mary Hall	Mary Hall.
8	Spirit Vaults	Ďitto	George Hall.
9	Farm-yard and Buildings -	Ditto	Mary Hall.
10	Stack-yard and Croft	Ditto	Ditto.
12	Stack-yard	Henry Preston -	John Holmshaw.
13 {	Yard, Stable, Cowhouse, Barn, and Outbuildings	Ditto	Ditto.
14	Yard, Frontage, and Garden -	Richard Ellis -	Sarah Chambers.
15	Garden	Ditto	George Parkin.
21	Ditto	Henry Preston -	Foljambe Hall.
22	Ditto	Ditto	William Senior.
32	Ditto	Lydia Freeman -	John Hobson.
33	Farm-yard	Ditto	Edward Cleathero.
34	Smithy	Ditto	William Robinson.
35	Orchard	Ditto	Edward Cleathero.
37	Four undivided Gardens -	Ditto{	William Batty, Joseph Cooper, George Copley, John Cope.
38 {	Grass Field, Two Houses, and Frontage }	George Ross	George Ross.
39	Garden and House	Ditto	Henry Ross.
40	House	Ditto	John Thompson.
41	Ditto	Ditto	George Trickett.
42	House, Shop, and Garden -	Ditto	William Wragg.
45	Garden or Orchard -	John Depledge -	Samuel Horsfield.
49 a	Two Houses and Yard	William Fallding -	Joseph Fallding and Lydia Hill.
51	Garden	Edward Cleathero -	Joseph Foster.
			William Batty, Joseph Batty, Charles Hall, Edward Allen,
52	Eight Houses and Frontages -	Ditto -	John Ashton, John Thompson, Thomas Silvester, Edward Clea- thero.
57	Two Houses and Two Gardens	Hannah Coward -	Hannah Coward and William Salt.
60	Garden	Duke of Norfolk -	James Foster.