



ANNO DECIMO

GEORGII IV. REGIS.

Cap. xc.

An Act for more effectually repairing and maintaining the Road from *Leeds* to *Roundhay* in the West Riding of the County of *York*.

[22d *May* 1829.]

WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Road from Leeds to Roundhay in the West Riding of the County of York*: And whereas the Trustees appointed in and by virtue of the said recited Act have proceeded to put the same in execution, and have for that Purpose borrowed several considerable Sums of Money on the Credit of the Tolls authorized by the said recited Act to be demanded and taken, which Sums of Money still remain undischarged, and cannot be paid off, nor can the said Roads be properly altered, widened, and improved, or preserved in a proper State of Repair, unless the Term granted by the said recited Act be enlarged; and it would be more convenient to the Trustees for executing the said Act, and beneficial to the said Road and to the Public, if the said Act were repealed, and if further and other Provisions were granted instead thereof; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: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

[Local.] 23 X by

48 G.3. c.15.

Former Act
repealed on
1st Jan. 1830.

by the Authority of the same, That on the First Day of *January* One thousand eight hundred and thirty the said recited Act of the Forty-eighth Year of the Reign of His said late Majesty shall be and the same is hereby declared to be repealed.

This Act
thenceforth
to take effect
for repairing
the Road
herein de-
scribed.

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, and from Time to Time improving and keeping in repair the Road commencing at or near a certain Turnpike Bar called *Sheepscar Bar*, in a Field called *South Sheepscar*, the Property of the Right Honourable *Peter Leopold Louis Francis Nassau Clavering Earl Cowper*, and passing into and over the East Side of a certain Farm called *Busky Field House Farm*, belonging to the said Earl *Cowper*, across a certain Lane called *The Harehills Lane*, to and through the North-west Side of *Gibton Wood* in the Township of *Potternewton cum Gibton*, and from thence to a Bridge lately erected in the Township of *Roundhay*, called *Roundhay Bridge*, all in the West Riding of the County of *York*, and which said Road runs in the Townships of *Leeds*, *Potternewton cum Gibton*, and *Roundhay*.

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 *William Aldam*, *John Benjamin Ansley*, *George Banks*, *Christopher Beckett*, *Thomas Beckett*, *William Beckett*, *Thomas Blayds*, *Christopher Bolland*, *John Bramley*, *John Brooke*, *John Edward Brooke*, *Charles Brown*, *James Brown*, *William Williams Brown*, *John Burton*, *Joshua Burton*, *William Cadman*, *Newman Cash*, *Thomas Clapham*, *Lepton Dobson*, *Benjamin Eamonson Clerk*, *John William Elam*, *Edward Ellerton*, *James Entwisle*, *Benjamin Gott*, *John Gott*, *John Goodman*, *Henry Hall*, *John Hardy*, *John Hibblethwaite*, *William Hey*, *Martin Hind*, *Benjamin Holroyd*, *John Howarth*, *Thomas Ikin*, *Thomas George Jaques*, *Edward Jowitt*, *Thomas Jowitt*, *Jonathan Lupton*, *Ralph Markland*, *James Maude*, *Joseph Medley*, *Charles Musgrave Clerk*, *Stephen Nicholson*, *William Nicholson Nicholson*, *George Oates*, *William Frankland Paley*, *Thomas Benson Pease*, *Abram Rhodes*, *John William Rhodes*, *James Richardson*, *Benjamin Sadler*, *Henry Skelton*, *Edwin Smith*, *Thomas Tennant*, *John Wilson*, *Griffith Wright*, *James Brook*, *George Walker*, *Thomas William Tottie*, *George Rawson*, *Samuel Clapham*, *Edward Barnes*, *John Atkinson*, *Benjamin Atkison*, *George Wailes*, *Francis Maude*, *Joseph Shaw*, *Charles Brown*, *Jonathan Taylor*, *Thomas Wolrich Stansfeld*, and their Successors; being duly qualified to act as Trustees of Turnpike Roads in *England*, shall be and they are hereby appointed Trustees for making, amending, altering, improving, and keeping in repair the Road herein-before described, and for carrying this Act into execution.

Power to
appoint ad-
ditional
Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at the First Meeting to be held in pursuance of this Act, to elect and appoint any Number of Persons, (not exceeding Three in the whole,) in addition to the Trustees herein named and appointed, 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 and appointed.

V. And be it further enacted, That the First Meeting of the said Trustees shall be held at the Public Court House in the Town of *Leeds*, or at some other convenient Place in the Parish of *Leeds* aforesaid, on the said First Day of *January* One thousand eight hundred and thirty, or as soon after as conveniently may be, and the said Trustees shall then and there proceed to carry this Act into execution, and shall and may then and from Time to Time after adjourn to and meet at such Times and Places in the Neighbourhood of the said Road as they may think proper.

First Meeting of Trustees.

VI. 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 following at the several and respective Toll Gates, Turnpikes, Side Gates, and Chains which are or shall be continued or erected by virtue of this Act, before any Horse, Cattle, Beast, or any Carriage whatsoever shall be permitted to pass through any such Toll Gate, Turnpike, Side Gate, or Chain; (that is to say,)

Power to take Tolls.

For every Horse or Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Curricle, Chaise, Calash, Gig, Car, Hearse, Litter, or other such like Carriage, the Sum of Sixpence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, Van, Caravan, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or more, the Sum of Four-pence; and having the Fellies of the Wheels of the Breadth of Four Inches and an Half and less than Six Inches, the Sum of Five-pence; and having the Fellies of the Wheels of less Breadth than Four Inches and an Half, the Sum of Sixpence:

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

For every Drove of Oxen, Cows, or Neat Cattle, One Shilling *per* Score, and so in proportion for any less Number:

And for every Drove of Calves, Sheep, Lambs, or Swine, Five-pence *per* Score, and so in proportion for any less Number:

Which said Tolls shall be and are hereby vested in the said Trustees, to be by them applied for the Purposes of this Act.

VII. Provided always, and be it further enacted, That after the respective Tolls 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 Note or 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 through all and every other Turnpike, Toll Gate, Side Gate, or Chain continued or to be erected by virtue of this Act,

Tolls to be paid but Once a Day.

at

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 in the next succeeding Night (except as herein after mentioned), any thing in this Act contained to the contrary thereof in anywise notwithstanding.

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

Post Chaises on every new Hiring.

Repealing Part of 3 G. 4. c. 126. respecting Toll on Manure.

Manure exempt if in Carriages with Wheels of the Breadth of 4½ Inches.

Sinking Fund.

VIII. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Cart or Stage Carriage carrying Passengers or Goods for Payment, Hire, or Reward, the Tolls hereby made payable shall be paid for every Time of passing or repassing through such Turnpikes, Toll Gates, Side Gates, and Chains, or any one or more of them; and the Tolls hereby made payable shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of passing or repassing along the said Road on the same Day, whenever a fresh Hiring thereof shall take place.

IX. And whereas various Articles used as Manure are made and produced in large Quantities in the Manufactories in the Town of Leeds, as well as Manure of an ordinary Character, and are carried and conveyed along the said Road in Waggons and Carts with Wheels of less Breadth than Four Inches and an Half, and thereby considerable Injury and Damage is done to the said Road: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, whereby it was enacted, that no Toll should be demanded or taken on any Turnpike Road for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure (save and except Lime) for improving Lands; be it therefore further enacted, That so much of the same Act as enacts that no Toll shall be demanded or taken on any Turnpike Road for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying on the same Day, any Dung, Soil, Compost, or Manure (save and except Lime) for improving Lands, shall be and the same is hereby repealed, so far as the same can affect or have Reference to the Tolls to be collected by virtue of this Act.

X. And be it further enacted, That no Toll shall be demanded or taken by virtue of this Act for any Horse, Beast, or other Cattle or Carriage employed in carrying or conveying, having been employed only in carrying or conveying, on the same Day, any Dung, Soil, Compost, or Manure for improving Lands, or any Lime for tilling or manuring Land, provided the Waggon, Wain, Van, Caravan, Cart, or other Carriage containing such Dung, Soil, Compost, Manure, or Lime shall have the Fellies of the Wheels of the Breadth of Four Inches and an Half at the least.

XI. And be it further enacted, That the Sum of One Pound *per Centum per Annum* on every Sum of Money already advanced on Security

Security of the Tolls heretofore payable on the said Road, or which shall be hereafter borrowed or taken up at Interest upon the Credit or Security of the Tolls hereby granted, shall from the said First Day of *January* One thousand eight hundred and thirty be charged on, and during the Continuance of this Act be appropriated and paid out of, the said Tolls, in order to form a Sinking Fund for the gradual Payment of all the Principal Sum and Sums already advanced or so to be borrowed as aforesaid; and after the Payment of any such Principal Sum or Sums, the full Interest which would have been otherwise payable for or in respect of the same to the Creditor or respective Creditors shall from thenceforth and for and during the Continuance of this Act be charged on and appropriated and paid out of the said Tolls in aid of the Sinking Fund; and as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, that Sum shall be applied in Payment of an equal Amount of the said Principal Money then due, or on the Credit or Security of the said Tolls, rateably or by Lot among the Creditors, as the said Trustees shall think proper.

XII. And whereas an Act was passed in the Twenty-fifth Year of the Reign of His Majesty King George the Second, intituled *An Act for repairing the Roads from the Town of Leeds, through Harewood, to the South-west Corner of the Inclosures of Harrogate, and from thence in Two Branches, one through Ripley over Borage Green, and the other through Knaresborough and Boroughbridge, to Ripon, and from thence to the first Rill of Water or Watercourse on Hutton Moor in the County of York, and for repairing the Sloughs or Ruts on the said Moor*: And whereas another Act was passed in the Twenty-ninth Year of the Reign of His said Majesty King George the Second, intituled *An Act to explain and amend an Act passed in the Twenty-fifth Year of the Reign of His present Majesty, intituled 'An Act for repairing the Roads from the Town of Leeds, through Harewood, to the South-west Corner of the Inclosures of Harrogate, and from thence in Two Branches, (one through Ripley over Borage Green, and the other through Knaresborough and Boroughbridge,) to Ripon, and from thence to the first Rill of Water or Watercourse on Hutton Moor in the County of York, and for repairing the Sloughs or Ruts on the said Moor.'* And whereas another Act was passed in the Seventeenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of Two Acts of Parliament, one passed in the Twenty-fifth Year of the Reign of His late Majesty King George the Second, intituled 'An Act for repairing the Roads from the Town of Leeds, through Harewood, to the South-west Corner of the Inclosures of Harrogate, and from thence in Two Branches, (one through Ripley over Borage Green, and the other through Knaresborough and Boroughbridge,) to Ripon, and from thence to the first Rill of Water or Watercourse on Hutton Moor in the County of York, and for repairing the Sloughs or Ruts on the said Moor;' and the other passed in the Twenty-ninth Year of His said Majesty's Reign, to explain and amend the said first-mentioned Act, with respect to those Parts of the said Roads from Harrogate, through Ripley and Ripon, to the North-east Corner of Hutton Moor, and from the East End of Kirkby Hill Moor to the*

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Town of Ripon aforesaid: And whereas another Act was passed in the Thirty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for continuing the Term and altering and enlarging the Powers of Three several Acts passed in the Twenty-fifth and Twenty-ninth Years of the Reign of His late Majesty King George the Second, and the Seventeenth Year of His present Majesty, for repairing certain Roads therein mentioned, so far as the same Acts relate to the Road from the Town of Leeds, through Harewood, to the South-west Corner of the Inclosures of Harrogate in the West Riding of the County of York*: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act for enlarging the Term and Powers of several Acts relating to the Road from the Town of Leeds, through Harewood, to the South-west Corner of the Inclosures of Harrogate in the West Riding of the County of York*: And whereas near to or at the Point where the said Road to be maintained by virtue of this Act commences, called *Sheepscar Bar*, there is already erected, by virtue of the said recited Acts, a Turnpike or Toll Gate, and also a Weighing House and Weighing Engine: And whereas it might be more convenient to the Trustees acting in the Execution of this Act if they were authorized to make use of such Turnpike or Toll Gate and Weighing Engine, and if the Collector of the Tolls appointed by virtue of the said recited Acts, or any of them, relating to the said Road from *Leeds* through *Harewood*, were to be authorized to receive and collect the Tolls authorized to be taken by virtue of and for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the Trustees acting in the Execution of this Act to contract and agree with the Trustees for putting the said recited Acts relating to the said Road from *Leeds* through *Harewood* in execution for the Use of the said Turnpike or Toll Gate and Weighing Engine, or either of them; and upon such Contract or Agreement being made it shall be lawful for the Trustees acting in the Execution of this Act to permit their Collector or Collectors to receive and collect at such Toll Gate the Tolls to be raised and collected by virtue of this Act; and all Persons passing through the said Gate, in the Event of any such Contract or Agreement, shall pay the Tolls authorized to be demanded and taken by virtue of this Act, and all Carriages passing through the same shall be subject and liable to be weighed at such Weighing Engine, as if the said Gate and Weighing Engine had been erected and built by virtue of this Act for the Purposes thereof; and the Toll Collector or Collectors at the said Turnpike or Toll Gate shall and may and is and are hereby authorized and empowered to use and exercise all and every the same Powers and Authorities whatsoever as he or they would have been entitled to use and exercise, and shall be liable to the same Duties, Pains, Penalties, and Forfeitures for Misconduct as he or they would have been subject and liable to, by virtue of this Act, so as nevertheless that it shall not be competent for the said Trustees appointed by virtue of this Act, or any Person or Persons for them or by their Authority, to discharge or expel any Toll Collector or Collectors from the said Toll Gate or the House thereto belonging, or to prevent him or them from continuing to act and be employed for the Trustees acting in the Execution of the same recited Acts.

XIII. Pro-

Trustees empowered to contract for the Gate, &c. belonging to the Leeds and Harrogate Road.

XIII. Provided also, and be it further enacted, That it shall be lawful for the said Trustees acting in the Execution of this Act to make such Compensation to the Trustees acting in the Execution of the said recited Acts relating to the Road from *Leeds* through *Harewood* as shall be mutually agreed upon between such respective Trustees, as a Satisfaction for the Use of the said Toll Bar and Weighing Engine and of the Road from *Leeds* to the said Bar, and for permitting the Collector or Collectors of the Trustees acting in the Execution of the same recited Acts to collect such Tolls, such Satisfaction and Compensation not exceeding One Seventh Part of the clear Tolls which shall be collected or received for and in respect of the said Road hereby directed to be maintained, after deducting therefrom the necessary Expences of or Allowances for receiving the said Tolls; such Part or Proportion of the said Tolls to be paid within Twenty-one Days after the same shall be from Time to Time received by the said Trustees under this Act or their Treasurer; and in default of such Payment the same shall and may be recovered from the said Trustees appointed by or in pursuance of this Act, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Treasurer of the said Road leading from *Leeds* through *Harewood*: Provided also, that the Treasurer of the said Road leading from *Leeds* through *Harewood* shall and may at all reasonable Times inspect the Accounts and Books relating to the Tolls taken for or in respect of the Road hereby directed to be maintained, so as to ascertain and satisfy himself of the Sum due and payable for and as such One Seventh Part and Proportion of the said Tolls intended to be taken by virtue of this Act as aforesaid.

Trustees to allow Part of their Tolls to Trustees of the Leeds and Harrogate Road for certain Purposes.

XIV. And be it further enacted, That all Monies which shall or may be collected or received under the Powers or Authorities of this Act shall be applied, in the first place, in defraying the Costs, Charges, and Expences attending the applying for and obtaining this Act, with lawful Interest for the same; then in providing for the Sinking Fund to the Extent and in the Manner herein-before directed; in the next place, in paying and discharging the Interest of all Principal Sums of Money now due and owing on the Credit of the Tolls granted by the said recited Act of the Forty-eighth Year of the Reign of His late Majesty King *George* the Third hereby repealed, calculating such Interest from the Commencement of this Act, together with the Interest of all Sums of Money which shall hereafter be borrowed or taken at Interest on the Security of the Tolls hereby granted, and in defraying the Expence of continuing, providing, erecting, and keeping in repair the Turnpikes, Toll Gates, Side Gates, Chains, Toll Houses, and other Buildings, and in repairing, supporting, benefiting, improving, and altering the said Road by this Act directed to be kept in repair as aforesaid, or for benefiting or improving the Funds of the said Road, in such Manner and by such Ways and Means as to the said Trustees shall seem meet; and the Residue of the Monies so to be collected and received shall be applied in paying all Principal Monies due and owing on the Credit of the Tolls hereby granted or borrowed for the Purposes of this Act, and in defraying all other Costs, Charges, and Expences attending the same, in such Manner as the said Trustees shall from Time to Time appoint.

Application of Tolls.

XV. And

Public Act.

XV. 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, without being specially pleaded.

Commencement and Continuance of this Act.

XVI. And be it further enacted, That this Act shall commence on the said First Day of *January* One thousand eight hundred and thirty, and shall continue and be in force for Thirty-one Years, and from thence, to the End of the then next Session of Parliament.

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