



ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

Cap. xciii.

An Act for repairing and maintaining the Road from the *Leeds* and *Halifax* Turnpike Road at *Staningley* to the Bridge over the *Leeds* and *Liverpool* Canal, and making and maintaining a Continuation of the same Road to *Water Lane* in *Leeds*, and other Roads communicating therewith, all in the West Riding of the County of *York*.

[27th July 1838.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for repairing and maintaining the Road from Quebec in the Parish of* ^{4 & 5 W. 4. c. 32.}

Leeds in the West Riding of the County of York to Homefield Lane-end in the same Parish, with a Bridge or Bridges on the Line of such Road, and for making and maintaining certain Branch Roads to communicate therewith: And whereas the Roads comprised in the said Act were thereby divided into Two separate Districts called respectively "The *Leeds* and *Homefield Lane-end* District of Road" and "The *Wortley, Armley, and Bramley* District of Road": And whereas considerable Sums of Money have been advanced or borrowed on

[Local.]

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Security

Security of the Tolls authorized to be taken by virtue of the said recited Act on the Road therein called "The *Wortley, Armley, and Bramley* District of Road," and which Sums of Money are still due and owing: And whereas the making and maintaining of an Extension or Continuation of the Line of the said Road in the said Act called "The *Wortley, Armley, and Bramley* District of Road, from the *Leeds* and *Homefield Lane-end* Turnpike Road at or near the Bridge over the *Leeds* and *Liverpool* Canal in the Township of *Wortley* aforesaid, and to pass through or in the Townships of *Wortley* and *Holbeck* in the Parish of *Leeds* to and to communicate with a Street or Lane called *Water Lane*, in the said Township of *Holbeck* and Parish of *Leeds* aforesaid, and also the making and maintaining of a Road from and out of the said Road in the said recited Act called the *Wortley, Armley, and Bramley* District of Road commencing on the North Side of a certain Field called *Lower Rails Field*, in the Township of *Bramley* and Parish of *Leeds* aforesaid, belonging to and in the Occupation of *James Walker*, and to pass through or in the said Township of *Bramley* to or near to a certain Inn called the *Victoria Inn*, in the Occupation of *William Thackrah*, in the said last-mentioned Township and Parish, will open a shorter and more commodious Communication than there is at present between the Southern Parts of the commercial Town of *Leeds* and the populous manufacturing Townships of *Wortley, Armley, Bramley, and Pudsey*, all in the said West Riding, and will also be of great public Utility; and it is expedient that the Powers and Provisions of the said Act, so far as the same relate to the said District of Road, should be amended and enlarged: And whereas the Purposes aforesaid and the Purposes of the said recited Act might be more conveniently effected if the said recited Act, so far as the same relates to the said *Wortley, Armley, and Bramley* District of Road, were repealed, and other Provisions made and granted in lieu thereof: 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 upon the Day of the Commencement of this Act the said recited Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, so far as the same relates to the *Wortley, Armley, and Bramley* District of Road aforesaid, shall be and the same is hereby declared to be repealed.

Recited Act repealed.

Repeal of recited Act. not to revive a former Act thereby repealed.

II. Provided always, and be it further enacted, That the Repeal by this Act of the said recited Act of the Fourth Year of the Reign of His late Majesty King *William* the Fourth shall not extend to revive an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Road from Quebec in the Parish of Leeds in the West Riding of the County of York to Homefield Lane-end in the same Parish, with a Bridge or Bridges on the Line of such Road*, the Term whereof is yet unexpired, and which was repealed by the said first-mentioned Act; but the said Act of the Fifty-seventh Year of the Reign of King *George* the Third shall remain and be and is hereby declared to be repealed.

III. And

III. And be it further enacted, That this Act shall be put in execution for and during the Term herein-after mentioned for the Purpose of repairing, improving, and maintaining the Road commencing at or near the Toll Bar at *Stanningley* in the said Township of *Bramley* on the *Leeds* and *Halifax* Turnpike Road, and passing through or in the same Township and the Townships of *Armley* and *Wortley* to the *Leeds* and *Homefield Lane-end* Turnpike Road at or near the Bridge over the *Leeds* and *Liverpool* Canal in the Township of *Wortley* in the Parish of *Leeds* aforesaid, with an Approach or Road from or out of the same Road at or near a private Road and Plantation in *Armley* aforesaid in the Occupation of Mr. *William Tetley* to the North End of a Lane called the *Chapel Lane* in *Armley* aforesaid, and for making and keeping in repair an Extension or Continuation of the Line of the aforesaid Road from the said *Leeds* and *Homefield Lane-end* Turnpike Road at or near the Bridge over the *Leeds* and *Liverpool* Canal in the Township of *Wortley* aforesaid, and to pass through or in the said Township of *Wortley* and the Township of *Holbeck* in the Parish of *Leeds* aforesaid to and to communicate with a Street or Lane called *Water Lane*, in the said Township of *Holbeck* and Parish of *Leeds* aforesaid; and also for the Purpose of making, amending, improving, widening, maintaining, and keeping in repair a Road from and out of the said Road commencing on the North Side of a certain Field called *Lower Rails Field*, in the Township of *Bramley* and Parish of *Leeds* aforesaid, belonging to and in the Occupation of *James Walker*, and to pass through or in the said Township of *Bramley* to or near to a certain Inn called the *Victoria Inn*, in the Occupation of *William Thackrah*, in the said last-mentioned Township and Parish.

This Act to be put into execution for the Purposes herein mentioned.

IV. And be it further enacted, That this Act and the Tolls hereby granted shall be and the same are hereby declared to be subject and liable to the Payment of all Monies now due and owing upon the Credit of the Tolls authorized to be taken on the said Road called the *Wortley, Armley, and Bramley* District of Road by virtue of the said recited Act hereby repealed, or on account thereof, and of all Interest due and to grow due for the same, as fully and effectually to all Intents and Purposes as if such Monies had been borrowed and become due on the Credit of this Act, or of the Tolls hereby authorized to be collected; and all and every Persons and Person owing any Sum or Sums of Money to the Trustees for executing the said recited Act in respect of the said Road called the *Wortley, Armley, and Bramley* District of Road shall be liable to the Payment thereof to the Trustees appointed or to be appointed by virtue of this Act; and all Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities made to or by or entered into by any Person or Persons to or with the Trustees for executing the said recited Act in respect of the said Road called the *Wortley, Armley, and Bramley* District of Road shall remain in as full Force and Effect as if such Conveyances, Bonds, Mortgages, Covenants, Agreements, Contracts, and Securities were made to or by or entered into by such Person or Persons to or with the Trustees for executing this Act, and shall be accordingly available in all Courts of Law and in Equity, until the same be fully satisfied and performed on account and

Tolls liable to Debts, &c. contracted under former Act.

and for the Benefit of the Trusts created by this Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the Trustees for executing the said recited Act in respect of the said Road called the *Wortley, Armley, and Bramley* District of Road with or to any Person or Persons for any Purpose relating to the said Road called the *Wortley, Armley, and Bramley* District of Road, or to the Execution of the said Act in respect thereof, shall be and remain in full Force and Effect, and shall be observed and kept by the Trustees under this Act, and by the other respective Parties to such Bargains, Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding the Repeal of the said recited Act, so far as the same relates to the *Wortley, Armley, and Bramley* District of Road.

Appointment
of Trustees.

V. And be it further enacted, That all Her Majesty's Justices of the Peace acting for the West Riding of the County of *York* for the Time being, together with *William Aldam, William Ambler, Francis Sharp Bridges, John Barker, James Brook, Joseph Barker, George Bolton, John Burton, Samuel Lister Booth, Joseph Barker, Bell Lane, Bramley, James Bateson, John Calvert, Charles Clapham Clerk, John Croisdale, William Dickenson, William Eyres, Joseph Eyres, Samuel Eyres, Ephraim Elsworth, Abraham Farrar, Thomas Furbank Clerk, Leonard Foster, John Foster, Holbeck, Benjamin Gott, John Gott, William Gott, George Goodman, William Gatliff, Edward Hebden, James Hubbard, James Horn, Benjamin Holroyd, William Hargrave, Thomas George Jaques, John Lister, Walter Lupton, John Lupton, James Garth Marshall, Joseph Musgrave of Bramley Back Lane, Clothier, John Musgrave, William Musgrave, Charles Milner, David Porritt, Thomas Prince, George Pickles, William Pawson, John Rogerson, Joseph Rogerson, Richard Ripley, Holbeck, Joseph Roper, Benjamin Sadler, John Sykes, John Schofield, William Sowden, William Stott, Thomas Simpson, Joshua Tetley, Anthony Titley, Henry Teal, Thomas William Tottie, John Varley, John Wilson of Armley Grange, John Wormald, Henry Wormald, Benjamin Wilson, and Richard Wright, 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, making, improving, and maintaining the said Roads, and for carrying this Act into execution.*

Power to
appoint
additional
Trustees.

VI. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings, to elect 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 they are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

First Meet-
ing of Trus-
tees.

VII. And be it further enacted, That the Trustees for executing this Act shall hold their First Meeting at the Court House in the
Town

Town of *Leeds* in the said Riding, or at some other convenient Place in the said Town of *Leeds*, on the Day of the Commencement of this Act, or as soon after as conveniently may be, for carrying the Purposes of this Act into execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time and Times and at such Place and Places as the said Trustees shall think proper.

VIII. And be it further enacted, That the several Toll Gates or Turnpikes and Toll Houses and Weighing Machines erected and now standing and being in, upon, or across or on the Sides of the said present Road shall remain and be continued until removed by any Order or Orders of the said Trustees; and it shall be lawful for the said Trustees to order and cause to be erected, set up, and built, upon, in, or across the said present Road, and also (except as herein-after mentioned) upon, in, or across the Roads to be made by virtue of this Act, or on the Sides of such Roads, or any or either of them, or any Part thereof, when, where, and as they shall judge necessary, any Gate or Gates, Turnpike or Turnpikes, Side Gate or Side Gates, Side Bar or Side Bars, Chain or Chains, Weighing Machine or Weighing Machines, and also any Toll House or Toll Houses, with Outhouses and Conveniences suitable thereto, at or near such Gates, Turnpikes, Side Gates, Bars, Chains, and 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 or Turnpikes, and Toll Houses and Weighing Machines, and any future Gates, Turnpikes, Side Gates, Bars, Chains, Weighing Machines, or Toll Houses, or any or either of them, as they the said Trustees shall think proper.

Power to continue the present Gates and erect others.

IX. And whereas the said Extension of the Line of the said Road for the Length of about One thousand Yards is proposed to be carried through Lands adjoining to the said Town of *Leeds* belonging to the Honourable *Frances Ingram Lady William Gordon*, and the estimated Value of her Land to be taken and used for such Purpose amounts to the Sum of One thousand four hundred Pounds, and the said Lady *William Gordon* hath consented to give up for the Use of the Public Two Third Parts of such estimated Value: And whereas a Toll Gate now stands on the said Line of Road near to the Land proposed to be used for the said Extension of the same Road, and within One Mile of the said Town of *Leeds* (the whole Length of the Line of Road being about Five Miles), and it is in this Act provided that no more than One full Toll shall be payable for passing along the whole Line of the said Road; and by the making of the said Extension of the said Line of Road into the Town of *Leeds* great Advantage will be afforded to the Public without imposing any additional Toll, or any Increase of the present Tolls, in case such Parts of the Value of the Land aforesaid shall be so given up as aforesaid for the Use of the Public; be it therefore further enacted, That no Toll Gate or Turnpike shall be erected by virtue of this Act on the said Extension of the said Line of Road between the said *Leeds* and *Homefield Lane-end* Turnpike Road and *Water Lane* aforesaid.

No additional Gate to be placed upon certain Part of the Roads.

Act not to
extend to
Water Lane.

X. Provided always, and be it further enacted, That none of the Powers or Authorities of this Act shall extend or be construed to extend to *Water Lane* aforesaid or any Part thereof.

Power to
take Tolls.

XI. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Person or Persons appointed or continued or to be appointed Collector or Collectors of the Tolls to be taken by virtue of this Act, to demand and take the Tolls herein-after mentioned at each and every of the Toll Gates or Turnpikes, or Toll Houses or Side Bars, or Chains, which are or shall be standing and being, or continued or erected by virtue of this Act, in, upon, or across or on the Sides of the said Roads, or any or either of them, or any Part thereof, and 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, before any Horse, Mule, or Ass, or other Beast or Cattle, shall be permitted to pass through any such Toll Gate or Turnpike, Side Bar or Chain; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise, Calash, Curricule, Chair, Gig, Whiskey, Hearse, Litter, or other such like Carriage, any Sum not exceeding the Sum of Nine-pence:

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half, any Sum not exceeding the Sum of Nine-pence; and having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half and less than Six Inches, any Sum not exceeding the Sum of Seven-pence Halfpenny; and having the Fellies of the Wheels thereof of the Breadth of Six Inches or more, any Sum not exceeding the Sum of Sixpence:

For every Four-wheeled Carriage of any Description which shall be fastened or in any Manner fixed to another Carriage, any Sum not exceeding the Sum of One Shilling and Three-pence; and for every Two-wheeled Carriage so fastened or fixed, any Sum not exceeding the Sum of Nine-pence:

For every Horse, Mule, or Ass (not drawing), laden or unladen, any Sum not exceeding the Sum of Two-pence:

For every Drove of Oxen, Cows, or Neat Cattle, a Sum not exceeding Ten-pence *per* Score, and so in proportion for any less Number:

For every Drove of Calves, Swine, Sheep, or Lambs, any Sum not exceeding the Sum of Five-pence *per* Score, and so in proportion for any less Number:

For every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, any Sum not exceeding the Sum of Two Shillings:

And in all Cases where there shall be a fractional Part of a Half-penny in the Calculation or Amount of the Tolls hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part; which said respective Tolls or Sums of Money so authorized to be demanded and taken on the said Roads shall be and are hereby vested in the said Trustees, and shall

shall be applied for the Purposes of this Act in manner herein-after mentioned.

XII. Provided always, and be it further enacted, That upon Payment of the Toll hereby authorized to be taken on the said Roads for the passing of any Horse, Beast, or Cattle through any Toll Gate or Turnpike or Side Gate on the Line of the said Roads, or of any or either of them, such Horse, Beast, or Cattle shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass Toll-free through the same Toll Gate, Turnpike, or Side Gate, and also through such other Gate and Gates (if any), at any Time or Times during the same Day, to be computed as aforesaid, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Tolls to be paid but once a Day.

XIII. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts drawing any Stage Coach, Diligence, Van, Caravan, Stage Waggon, or other Stage Carriage or Cart, and also for and in respect of every Carriage moved or propelled by Steam or Machinery, or by any other Power than Animal Power, conveying Passengers or Goods, for Pay or Reward, shall be payable and paid every Time of passing or repassing along the said Roads: Provided 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 to pay every Time of passing;

XIV. Provided also, and be it further enacted, That the Tolls hereby made payable for and in respect of Horses or Beasts let out to Hire, and drawing any Post Chaise, Hackney Coach, One-horse Chaise, Gig, or other Carriage, shall be payable and paid every Time of passing along the said Roads whenever any new Hiring thereof shall take place.

Post Chaises on every new Hiring.

XV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the Trustees of the said Roads to cause more than the Number of Tolls following to be demanded or taken for and in respect of the Passage of the same Horses, Beasts, Cattle, or Carriages through all the Turnpikes or Toll Gates to be erected on the said Roads on the same Day, to be computed as aforesaid; that is to say, no more than One full Toll on the said Road from the *Leeds* and *Halifax* Turnpike Road to *Water Lane*, nor more than One full Toll on the intended new Road to the *Victoria Inn*.

Limiting the Number of Tolls to be taken on the Roads.

XVI. And be it further enacted, That the Monies already received and now in the Treasurer's Hands, or which shall be received as due under the Powers or Authorities of the said recited Act hereby repealed, and which shall be remaining and undisposed of on the Day of the Commencement of this Act, and also the Monies which shall

Application of Tolls.

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arise and be produced by and from the Tolls by this Act granted on the said Roads, and all other Monies which shall arise and be produced in respect of the same Roads, shall be vested in the said Trustees, and shall be applied, in the first place, in defraying the Costs, Charges, and Expences attending the applying for and obtaining and passing this Act; and in the next place, in the Payment of the necessary Expences of erecting or repairing Toll Gates, Toll Houses, and Fences, and for Books, Advertisements, Salaries of Officers, and other similar Expences incidental to the Execution of this Act; and in the third place, in repairing the said Roads, so as the whole of the said Roads be kept in a good and sufficient State of Repair; in the fourth place, in the making of the said Roads by this Act authorized to be made; in the fifth place, in paying the Interest of any Sum or Sums of Money which may have been or shall hereafter be borrowed or taken up at Interest on Security of the Tolls hereby granted; and the Residue of the Monies so to be collected and received shall be applied in paying all Monies which may have been borrowed in respect of the said *Wortley, Armley, and Bramley* District of Road by virtue of the said recited Act, or which may be advanced or borrowed for the Purposes of this Act, and in defraying all other necessary Costs, Charges, and Expences attending the Execution of this Act, in such Manner as the said Trustees shall from Time to Time direct.

Tolls not to be applied in the Repair of any Road, unless there be a Toll Gate thereon.

XVII. 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 Road authorized to be repaired by this Act unless some Toll Gate, Toll Bar, or Turnpike shall be erected and continued upon such Road or on the Side thereof, 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 Road than shall be collected thereat or borrowed on the Credit of the Tolls collected thereon.

Trustees not to apply any Money in repair of Roads repairable under any Local Act.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply or expend any of the Monies now in the Hands of the Treasurer of the said Trustees, or any Money which shall be borrowed on the Credit of this Act, or any Money to arise from any of the Tolls by this Act granted, in the Repair of any Road or Way in any Town the Roads or Ways in which are directed to be repaired under the Powers or Provisions of any Local Act of Parliament.

New Roads may be made.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered and are hereby required, to make the said Extension or Continuation of the Line of the aforesaid Road, and also the said Road to or near to the *Victoria* Inn aforesaid herein-before mentioned and described, upon, in, over, and through any Lands or Grounds or Hereditaments, of such Width and Dimensions as they shall think proper, not exceeding Fifty Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Ditches, Drains, and Fences as shall be necessary and expedient for the Accommodation of all Persons

sons having Occasion to pass thereon, and for the Convenience of the several Owners and Occupiers of the Lands in or through which the said Extension of the said Line of Road and the said Road to or near to the *Victoria* Inn aforesaid shall respectively be made; and for such Purpose or Purposes it shall and may be lawful for the said Trustees and all Persons acting under their Authority, and they are hereby authorized and empowered, to enter upon and to take and use and pull down and lay open the Lands, Houses, Buildings, and Hereditaments mentioned or described in the Map or Plan and Book of Reference herein-after mentioned, or in the Schedule to this Act annexed, any Law or Statute to the contrary notwithstanding, making or tendering Satisfaction to the Owners or Proprietors of or Persons interested in any private Lands, Houses, Buildings, or Tenements for the same, or for any Loss or Damage they may sustain thereby.

XX. And whereas a Map or Plan describing the Lands through or over which the said Extension or Continuation of the aforesaid Line of Road and the said Road to or near to the *Victoria* Inn aforesaid are to be made or carried, together with a Book of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the Borough of *Leeds* in the said West Riding; be it therefore enacted, That the said Trustees, in making the said Extension of the aforesaid Line of Road and the said Road to or near to the *Victoria* Inn aforesaid, shall not deviate more than One hundred Yards from the Line described in the said Map or Plan without the Consent in Writing of the Person or Persons, Party or Parties, or Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made; and the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace of the said Borough of *Leeds*, for the Inspection of all Persons concerned; and the same or any Copy or Copies thereof, certified by the Clerk of the Peace of the said Borough of *Leeds* for the Time being to be a true Copy or Copies thereof, shall be and is and are hereby declared to be good Evidence, and shall be admitted as such by all Judges, Justices, and others in all Courts of Law or elsewhere.

Roads to be made according to the Map or Plan deposited with the Clerk of the Peace.

Map or Plan to remain with the Clerk of the Peace and be open to Inspection; and may be made Evidence.

XXI. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make the said Extension of the aforesaid Line of Road, and the said Road to or near to the *Victoria* Inn aforesaid, into, through, over, or across the several Lands of any Person or Persons who is, are, or may be Owner or Owners of Lands over which the same is or are set out and described in the said Map or Plan aforesaid, and also to pull down, take, and use the Buildings, Lands, Grounds, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, although the Name or Names of such Person or Persons may happen to be omitted or misstated in the said Book of Reference or in the said Schedule to this Act annexed, in case it shall appear to any Two or more Justices of the Peace for the said Borough of *Leeds*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Misnomers in the Map or Schedule not to prevent the Improvements.

No Houses to be taken except such as are mentioned in the Schedule.

XXII. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Continuation of the aforesaid Line of Road and the said Road to or near to the *Victoria Inn* aforesaid shall not extend or be construed to extend to authorize the said Trustees to take or pull down any Dwelling House or other Buildings, or to take in or make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Grounds planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent in Writing of the Owners or Proprietors thereof, or other Persons interested therein, first had and obtained, except such as are mentioned in the Schedule to this Act annexed.

Power to take Houses, &c. limited to Three Years, except with Consent.

XXIII. Provided also, and be it further enacted, That in case the said Trustees shall not purchase and pay for the Buildings, Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed within the Space of Three Years from the Commencement of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not have been purchased, shall cease and determine, save and except with the Consent of the Owners and Proprietors thereof for the Time being.

Road to Water Lane not to be deemed public Highway until certified by Magistrates.

XXIV. And be it further enacted, That the said Road from the *Leeds* and *Homefield Lane-end* Turnpike Road into *Water Lane* aforesaid shall not become or be a public Highway, nor shall the respective Townships or Districts in or through which the same shall pass be liable to the Repairs thereof, until the same shall have been completely formed and made fit for public Use, and shall have been so certified at a Special Sessions of Her Majesty's Justices of the Peace acting in and for the Borough of *Leeds*.

Tolls may be collected, and Liabilities for repairing Roads enforced, although the whole Road be not completed.

XXV. Provided always, and be it further enacted, That the Tolls by this Act granted shall be payable in respect of the passing of any Horse, Beast, Cattle, or Carriage through any Toll Gate or Turnpike erected or to be erected on such Part and Parts of the Roads by this Act authorized to be repaired or made, or on the Sides thereof, as now is or are or as shall from Time to Time be at any Time hereafter made or open for the Use of the Public, although the whole of the Roads by this Act authorized to be made is not or shall not be at any Time hereafter made and completed; and that all Persons who, by virtue of any Law or Statute relating to Turnpike Roads or Highways in *England*, would be liable to the Repair of the said Roads when wholly made and completed, shall be and are hereby declared to be liable to the Repair of so much thereof as is or are now made or open to the Public, and also to the Repair of such other Part and Parts of the Roads comprised in this Act as shall from Time to Time be made or open to the Public, although the whole of the Roads by this Act authorized to be made is not now or shall not be at any Time hereafter made and completed.

Embankment in Miss Holmes's Land not to

XXVI. Provided always, and be it further enacted, That neither the present Embankment nor any other Embankment to be made by the said Trustees in the Lands late of Mistress *Anne Holmes*, in the said

said recited Act mentioned, now deceased, shall be raised above the Height of Thirteen Feet in any Part thereof above the present Surface of the Ground; and that the Owner of the said Lands shall at all Times be entitled to the Approaches to the present Embankment which have been made in the said Lands by the Trustees under the Provisions of the said recited Act, for Horses, Cattle, Carriages, and Persons on Foot to pass on, to, over, and upon the same from both Sides of the said Embankment, at a Rise of not more than One Inch in Eighteen Inches, and that convenient Approaches to the said present Embankment, if rendered requisite by any Alteration thereof, and convenient Approaches to any new Embankment in the said Lands shall be made by and at the Expence of the said Trustees under this Act, for Horses, Cattle, Carriages, and Persons on Foot to pass to, over, and upon the same from both Sides of such Embankment, at a Rise of not more than One Inch in Eighteen Inches.

exceed a certain Height.

XXVII. And be it further enacted, That no Deviation shall be made of the said Roads in the said last-mentioned Lands more to the North than the Line mentioned in the said recited Act, and therein stated to be described in the Map or Plan in the said recited Act mentioned, without the previous Consent in Writing of the Owner of the said Lands; nor shall any Alteration of the now existing Roads be made in such Lands more to the North than the said Line without such Consent as aforesaid, nor shall any thing in this Act contained make valid, excuse, or sanction any Deviation or Encroachment which may have been heretofore made in the said Lands.

No Deviation in Miss Holmes's Land to the North.

XXVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any Manner to prejudice or affect any Action or Suit now depending at Law or in Equity, nor any Right of Action or Suit, Claim or Demand, which the said Miss *Susanna Holmes* now hath against any Person or Persons whatsoever; and the said Miss *Susanna Holmes* shall be entitled to sue at Law or in Equity for or in respect of any Claim or Demand, Matter or Thing, Right of Action or Suit, in respect of which she is now or was before the Time of the passing of this Act or may hereafter be entitled to sue, as fully and effectually as if this Act had not been made; and that all Rights, Claims, and Demands whatsoever of the said Miss *Susanna Holmes* shall be secured and preserved and shall be and continue as fully and effectually to all Intents and Purposes as if this Act had not been made.

This Act not to prejudice Suits depending, or Rights of Action by Miss Holmes.

XXIX. And whereas in and by the said in part recited Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth Provision is made for taking and appropriating for the Purposes of the said Act Part of certain Allotments of Land in the Township of *Armley* aforesaid which were set out under and by virtue of an Act passed in the Thirty-third Year of the Reign of King *Geogre* the Third, intituled *An Act for dividing and inclosing the Common and Waste Grounds within the Manor or Township of Armley in the Parish of Leeds in the West Riding of the County of York*, which Allotments are thereby declared shall be used and enjoyed for the setting up and using of Tenters, Stretchers for Warp, and

Continuing Provision in former Act respecting Tenter Grounds.

33 G. 3. c. 61. Pr.

and other Purposes as more particularly mentioned in and by the said in part recited respective Acts: And whereas in and by the said Act passed in the Fourth Year of the Reign of His said late Majesty it is enacted, "that the Compensation Money for the Land Part of such Allotments which shall be taken and used for the Purposes of this Act shall be paid by the said Trustees of the *Wortley, Armley, and Bramley* District of Road, out of the Monies subscribed for making the said Branch Road, to the Minister, Chapelwardens, and Overseers of the Poor for the Time being of the said Township; and it should be lawful for the Minister, Chapelwardens, and Overseers of the Poor for the Time being of the said Township to sell the Residue or Remainder of the Allotment or Allotments which by the making of the said Road should become unfit for the Uses and Purposes aforesaid, and to convey the same by Deed under their Hands and Seals to the Purchaser or Purchasers thereof, freed and discharged of and from the Uses and Limitations aforesaid; and it should be lawful for the Minister, Chapelwardens, and Overseers of the Poor for the Time being of the said Township and they are thereby required to lay out and apply the Monies so to be by them received from the said Trustees, and from the Purchaser or Purchasers of such Land, or a sufficient Part thereof, in the Purchase of such a Quantity of other Land in the said Township, not exceeding the Quantity of Land so to be taken and used for the said Road and so to be sold as aforesaid, as they shall think proper; and such Land so to be purchased as last aforesaid shall be conveyed to and the same is hereby declared to be vested in the Minister, Chapelwardens, and Overseers of the Poor for the Time being of the said Township, for the Uses and Purposes of being and the same shall be used and enjoyed by the same Persons and for the same Purposes, and shall be subject to the same Regulations, Powers, Directions, and Provisions, as the Allotment or Allotments so to be taken and used or sold is or are or ought to be or might be used and enjoyed or subject to by virtue of the said last-recited Act; and in case any surplus Money shall remain after such Purchases shall be made and completed, and the reasonable Expences thereof shall be paid, such surplus Money shall be paid to the Trustees acting in execution of the said Act for the said *Wortley, Armley, and Bramley* District of Road, and shall be by them applied for or towards making or maintaining in repair the said new Branch of Road; and in case the Monies to be received by the said Minister, Chapelwardens, and Overseers by virtue of this Act, as aforesaid, shall not be sufficient for enabling them to make any such Purchase of Land in a Situation which in their Judgment shall be equally convenient to such Inhabitants as that of the Situation of the Allotment or Allotments so taken or used and sold, then and in such Case the Deficiency shall be forthwith paid by the Trustees of the said *Wortley, Armley, and Bramley* District of Road out of the aforesaid Subscription Monies:" And whereas in execution of the said last-mentioned Act the Trustees thereof have taken and appropriated for the Purposes thereof Part of the said Allotments of Land, and other Parts thereof have been sold and disposed of to divers other Persons; be it therefore enacted, That the said herein-before in part recited Provision and Enactment contained in the before-recited Act passed in the Fourth Year of the Reign of His said late Majesty King *William* the Fourth, for the

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Objects

Objects and Purposes therein mentioned, shall henceforth be, remain, and continue in full Force and Effect, any thing in this Act contained to the contrary notwithstanding.

XXX. And be it further enacted, That in case any Lands shall be purchased by the said Trustees for the Purposes of this Act the Freehold and Inheritance of and in the Lands so purchased 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 made in pursuance thereof, be vested in the said Trustees, but that the Freehold and Inheritance of and in the Lands so purchased shall, notwithstanding such Purchase and Conveyance, remain and be vested in the Person or 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 either of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

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

XXXI. Provided always, and be it further enacted, That if at any Time any Lands purchased by the said Trustees for the Purposes of the Roads mentioned in this Act, or any of them, shall not be wanted for the same, then and in such Case the Right of Way in, over, or upon the said Lands shall cease, determine, and be extinguished; and the Freehold and Inheritance of the said Land shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

The Rights of Way to cease when Land not wanted.

XXXII. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging and otherwise using the Lands and Hereditaments taken by them for the Purposes of this Act, and also of erecting any Toll Houses or other Buildings, or of building any Bridge thereon, as fully and effectually to all Intents and Purposes as the said Trustees would have had in case they had purchased the Fee Simple of the said Lands and Hereditaments.

The Trustees to have the same Power of using the Land as if they had purchased the Fee Simple thereof.

XXXIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees to make any Agreement or Arrangement with the Trustees appointed under or by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for repairing, widening, improving, and maintaining in repair the Turnpike Roads from Leeds to Halifax, and the several Branches and Roads therein mentioned, in the West Riding of the County of York*, for the Purpose of exempting from or reducing or fixing the Tolls taken or to be taken by virtue of the said Act passed in the Sixth Year of the Reign of His said Majesty King *George* the Fourth, at any Toll Bar or Toll Bars now erected or to be erected on the said *Leeds* and *Halifax* Road adjoining the said Roads by this Act directed to be repaired and made, for Horses, Cattle, Carts, and Carriages, upon such Terms and Conditions as the said respective Trustees shall think just and right.

Trustees may agree with the Trustees of the Leeds and Halifax Road respecting Tolls.

6 G. 4. c. 149.

Agreement
not to be
entered into
but at a
Meeting held
pursuant to
Notice.

XXXIV. Provided always, and be it further enacted, That no such Agreement shall be made and entered into but at a public Meeting of the said Trustees appointed under and by virtue of the said Act passed in the Sixth Year of the Reign of King *George* the Fourth, of which Fourteen Days Notice shall be given in a public Newspaper, and affixed upon all the Toll Bars erected or to be erected upon the said Turnpike Road from *Leeds* to *Halifax*, and the several Branches thereto belonging, of the Time and Place of holding such Meeting, and that such Agreement is intended to be proposed to be made thereat.

Public Act.

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

Commence-
ment and
Continuance
of this Act.

XXXVI. And be it further enacted, That this Act shall commence and take effect upon the Second *Tuesday* after the passing of this Act, and shall thenceforth 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.

SCHEDULE to which the foregoing Act refers.

No.	Townships.	Owners or reputed Owners.	Occupiers.	Description of Property.
38	Holbeck -	Lady William Gordon -	John Atkinson - -	Stable and Shed.
40	Ditto -	Ditto - - -	Ditto - - -	Butcher's Shop.
41	Ditto -	Ditto - - -	Ditto - - -	Bull and Butcher Public House.

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