



ANNO NONO

GEORGII IV. REGIS.

Cap. lxxvii.

An Act for making a Turnpike Road from the Township of *Hunslet*, across the River *Aire*, to the Township of *Leeds*, together with a Branch therefrom, all in the West Riding of the County of *York*.
[23d May 1828.]

WHEREAS the making of a Turnpike Road from and out of the present Turnpike Road from *Leeds* to *Wakefield*, near to a Dwelling House now or late in the Occupation of *John Brooke* Esquire, in the Township of *Hunslet*, and also from another Part of the said Turnpike Road from *Leeds* to *Wakefield*, near to a Public House in the said Township of *Hunslet*, called the *Swan-with-two-Necks*, over and along certain Closes or Parcels of Land lying between the said Turnpike Road and the River *Aire*, thence over and across the said River *Aire*, by means of a Bridge, into, over, and along certain other Closes, Pieces, or Parcels of Land lying between the said River *Aire* and the present Turnpike Road from *Leeds* to *Selby*, at or near to *Pontefract Lane End* in the Township of *Leeds* aforesaid, all within the Borough of *Leeds* in the West Riding of the County of *York*, would be of great Advantage to the Inhabitants of the Town and Borough of *Leeds* aforesaid, and of the adjacent Villages, Parishes, and Places, and of Convenience to the Public: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An*
[*Local.*]

Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty, intituled An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England: And whereas an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled An Act to enable Justices of the Peace for Ridings, Divisions, or Soles, to act as Trustees for repairing and maintaining Turnpike Roads: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled An Act to amend the Acts for regulating Turnpike Roads in England: And whereas the beneficial Purposes before mentioned 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 the said recited Act passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Act passed in the Fourth Year of the Reign of His said present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the said recited Acts passed in the Fifth and in the Seventh and Eighth Years of the Reign of His said present Majesty, and all and every the Powers, Provisions, Directions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of
General
Turnpike
Acts extend-
ed to this Act.

Trustees.

II. And be it further enacted, That George Banks, Christopher Beckett, William Beckett, Thomas Beckett, Thomas Blayds, Joshua Bower, John Brooke, Charles Brown, James Bowes, William Blaxland, John Edward Brooke, Thomas Brown, Lepton Dobson, John Danby, John Evelyn Denison, John Dixon, Howson Duffield, Benjamin Gott, Henry Hall, John Hardy, Edward Hemingway, William Hey, James Holdforth, John Howard, Abraham Jackson, Thomas Cookson Kenyon, Joseph Lassey, John Lee, James Leather, Ralph Markland, William Mawson, Lewis Morgan, Benjamin Sadler, Joseph Sugden, Thomas Tennant, Henry Teal, Henry Topham, Joseph Tunstall, Richard Walton, Edward Wilkinson, Eli Whiteley, Horatio Wood, and their Successors, being duly qualified according to the Provisions and Directions of the said recited Acts, shall be and they are hereby appointed the Trustees for carrying this Act into Execution.

III. And

III. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time, at any of their Meetings to be held for that Purpose, of which Meeting and of the Purpose thereof at least Fourteen Days Notice shall be given in manner by the said recited Act of the Third Year of the Reign of His present Majesty directed with respect to Meetings for the Appointment of Trustees on Vacancies, 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 additional Trustees so elected and appointed, as well as all Trustees to be from Time to Time elected and appointed in pursuance of and according to the Provisions of the said recited Act of the Third Year of the Reign of His present Majesty, in the Place or Stead of any Trustee or Trustees dying, resigning, or otherwise becoming incompetent or disqualified to act, being duly qualified according to the Directions of the said recited Acts, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power of
appointing
additional
Trustees.

IV. And be it further enacted, That the said Trustees shall hold their First Meeting at the Court House in *Leeds* aforesaid, or at some other convenient House or Place in the Borough of *Leeds* aforesaid, on the Third *Monday* next after the passing of this Act, or as soon after as conveniently may be, and shall then and there proceed to put the said recited Acts and this Act into Execution, and shall and may then and from Time to Time afterwards adjourn to and meet at such Time, and Place or Places on or near to the said Road, as the said Trustees or the major Part of them present at any such Meetings shall think proper and appoint.

First Meet-
ing of Trus-
tees.

V. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to make the said Roads of such Width as they shall think proper, not exceeding Forty Feet, and also the said Bridge, in, upon, over, or through any private Lands, Tenements, and Hereditaments, and also to make such Footpaths, Causeways, Culverts, Fences, Ditches, Drains, Land Arches, Embankments, Foundations, Piers, Abutments, and other Works as they shall think necessary or expedient, and for such Purposes to take and use any Tenements or Hereditaments mentioned in the Schedule to this Act annexed, making Satisfaction to the Owners thereof and Persons interested therein for the same, or for the Damage they may sustain thereby; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon the Lands, Tenements, and Hereditaments through which or whereupon such Roads, Bridge, Footpaths, Causeways, Culverts, Fences, Ditches, Drains, Land Arches, Embankments, Foundations, Piers, Abutments, and other Works as aforesaid is or are intended to be made or pass, and also upon any adjoining Lands, Tenements, or Hereditaments, and to stake out the same in such Manner as the said Trustees shall think necessary or expedient, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment for entering or continuing

Roads and
Bridge may
be made.

continuing upon such Lands, Tenements, or Hereditaments respectively for any of the Purposes of this Act; and if any Person shall pull up, remove, or destroy any of such Stakes or other Marks used for the Purposes aforesaid, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Trustees in constructing and repairing the Bridge over the River Aire not to obstruct the Navigation.

VI. And be it further enacted, That before the said Bridge shall be begun to be made or carried over or across the said River *Aire*, Seven Days previous Notice in Writing shall be given to the Clerk or Agent of the Undertakers of the Navigation of the Rivers *Aire* and *Calder*; and that the said Trustees shall not, in erecting or constructing such Bridge, or in the necessary Repairs thereof, obstruct the Course of the Water of the said River, or the Passage of the Towing Path thereof, nor impede the Navigation thereof, further nor otherwise than may be actually necessary in erecting the said Bridge, nor than may be occasioned by lowering the Masts of Boats, Barges, or other Vessels navigating the said River; but the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Progress of erecting and constructing the said intended Bridge, or of the necessary Repair thereof, to leave a free, open, and uninterrupted navigable Waterway and Towing Path under the said Bridge, and that the under Side of the Platform or Roadway of such Bridge shall not be less than Fourteen Feet in Height from the Surface of the Water at its ordinary Height or Level at that Place; and the said Trustees shall and they are hereby required, after the said Bridge shall be erected over the said River, from Time to Time and at all Times thereafter, except during the necessary Repairs of the said Bridge, to leave a free, open, and uninterrupted Waterway of the present Width, and a Towing Path Seven Feet wide, both within the Piers of the said Bridge.

Ascent and Fence to the Bridge over the Aire.

VII. And be it further enacted, That the Ascent to the said Bridge hereby authorized to be made over the River *Aire* shall not exceed One Foot in Thirteen, and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of such Bridge.

Not to deviate more than 100 Yards from Maps or Plans deposited at the Offices of the Clerks of the Peace.

VIII. And whereas Maps or Plans describing the Lines of the said Roads and Bridge, and the Lands in, through, over, under, or upon which the same are to be made or carried, together with Books of Reference containing a List of the Names of the Owners and Occupiers of such Lands, have been deposited in the Office of the Clerk of the Peace for the West Riding of the County of *York*, and with the Clerk of the Peace for the said Borough of *Leeds* respectively; be it therefore enacted, That the said Trustees in making the said Roads and Bridge shall not deviate more than One hundred Yards from the Line described in the said Maps or Plans, without the Consent and Approbation in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, through whose Lands such Deviation shall be made; and the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace respectively as aforesaid, to the end that all Persons may, at

all

all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies thereof or Extracts therefrom at their Will and Pleasure, paying to such Clerk of the Peace One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies of or Extracts from such Maps or Plans or Books of Reference, and so in proportion for any greater or less Number of Words; and the said Maps or Plans and Books of Reference, or any Copy thereof, certified by the Clerk of the Peace to be a true Copy thereof, shall and is hereby declared to be good Evidence in all Courts of Law: Provided always, that it shall not be lawful for the said Trustees to make any Deviation whatever from the Line so delineated upon the said Maps or Plans, through the Lands of any Person or Persons who at the Time of the passing of this Act shall have consented to give his, her, or their respective Lands for the Purposes of this Act, without the previous Consent in Writing of such Person or Persons respectively.

No Deviation to be made through the Lands of those Persons who give their Land, without Consent.

IX. Provided always, and be it further enacted, That the said Trustees shall and may make the said Roads and Bridge through, across, or over the Lands, Tenements, or Hereditaments of any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, if it shall be made appear to the Satisfaction of any Two or more of the Justices of the Peace for the said Borough, (and be by them certified in Writing under their Hands,) that the Name or Names, Title or Titles, Designation or Designations of such Person or Persons, Body or Bodies, shall have been by Mistake omitted in the said Map or Plan or Book of Reference, or that instead thereof the Name or Names, Title or Titles, Designation or Designations of some other Person or Persons, Body or Bodies, to whom such Lands, Tenements, or Hereditaments do not belong, shall have been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Errors in Book of Reference not to impede Execution of Act.

X. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said Roads and Bridge shall not extend or be construed to extend to empower or authorize the said Trustees to take in or to make use of any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubby, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, (other than and except such as are mentioned in the said Map or Plan, and in the Schedule to this Act annexed,) without the Consent in Writing of the Owner or Proprietor thereof, or other Person interested therein, first had and obtained.

Trustees restrained from taking Gardens, &c. without the Consent of the Owner.

XI. Provided always, and be it further enacted, That if the said Trustees shall not, within the Space of Five Years next after the passing of this Act, agree for or cause to be valued, as in and by the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty is directed, and purchase, the Lands, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, then and from thenceforth the Powers to them hereby and thereby

Limiting the Time for purchasing Premises, &c.

granted for such Purpose shall cease, determine, and be utterly void and of no effect, any thing herein contained to the contrary thereof in anywise notwithstanding.

Power to
erect Toll
Houses, Toll
Gates, &c.

XII. And be it further enacted, That it shall be lawful for the said Trustees, when and as often as they shall judge necessary, to appoint and order such Toll Gates, Side Gates, Bars, Chains, Toll Houses, and Weighing Engines to be erected, built, and placed on the said Roads and Bridge, or either of them, or any Part of the same respectively, or upon, across, or on the Side or Sides of the said Roads, or any Part thereof, with suitable Outbuildings and Conveniences, and from Time to Time to discontinue, take down, and remove, or to continue and alter the same, or any of them, as they the said Trustees shall think proper and direct.

Tolls.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, or for any Person under their Authority, to demand and take the following Tolls at every Turnpike, Toll Gate, Side Bar, or Chain to be placed or erected by virtue of this Act, before any Horse, Beast, Cattle, or Carriage shall be permitted to pass through the same respectively; (that is to say,)

For every Horse or Beast of Draught, drawing any Coach, Chariot, Landau, Berlin, Sociable, Chaise, Curricule, Whiskey, Car, Calash, Chair, Caravan, Hearse, or Litter, or other such Carriage, the Sum of Sixpence :

For every Horse or Beast of Draught, drawing any Waggon, Wain, Van, Cart, or other such Carriage, the Fellies of the Wheels whereof shall be of a less Breadth than Four and a Half Inches at the Bottom or Sole thereof, the Sum of Four-pence :

For every Horse or other Beast of Draught, drawing any Waggon, Wain, Van, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of the Breadth of Six Inches or more at the Bottom or Sole thereof, the Sum of Two-pence :

For every Horse or Beast of Draught, drawing any Waggon, Wain, Van, Cart, or other such like Carriage, the Fellies of the Wheels whereof shall be of less Breadth than Six Inches at the Bottom or Sole thereof, and not less than Four and a Half Inches, the Sum of Three-pence :

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

For every Score of Oxen or Neat Cattle, the Sum of Ten-pence, and so in proportion for any greater or less Number :

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence, and so in proportion for any greater or less Number :

And for every Person on Foot passing over the said Bridge, the Sum of One Halfpenny :

Which said respective Sums of Money hereby authorized to be demanded and taken as aforesaid shall be and are hereby vested in the said Trustees, and shall be applied and disposed of in manner herein-after mentioned.

XIV. And

XIV. 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 hereby granted, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Fractional Part of a Halfpenny in Tolls.

XV. Provided also, and be it further enacted, That if the Tolls hereby authorized to be taken shall have been paid for the passing of any Horse, Ass, or other Beast through any of the Toll Gates, Turnpikes, Side Gates, Bars, or Chains upon the said Roads or Bridge, or either of them, such Horse, Ass, or other Beast shall, upon a Ticket denoting the Payment thereof on that Day being produced, be permitted to pass and repass Toll-free (except as herein-after particularly mentioned) through the same Toll Gate, Turnpike, Side Gate, Bar, or Chain, and also through such other Gate or Gates (if any) as the Ticket for such Payment (such Ticket to be made out according to the Requisitions and Provisions of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty,) shall free, at any Time during the same Day, such Day to be computed from Twelve of the Clock at Night to Twelve of the Clock in the next succeeding Night, any thing herein contained to the contrary thereof in anywise notwithstanding: Provided nevertheless, that the Tolls by this Act granted shall be demanded and taken at every Toll Gate erected on the said Bridge, in respect of Persons on Foot passing over the said Bridge, for every Time of passing over such Bridge.

Tolls on Horses, &c. to be paid only Once a Day.

Foot Passengers to pay every Time of passing the Bridge.

XVI. Provided also, and be it further enacted, That no more than One full Toll shall be demanded or taken for or in respect of the same Horse or Horses, or other Beasts or Cattle, or Carriage or Carriages, in any One Day, (to be computed in manner herein-before mentioned,) for passing and repassing Once through all or any of the said Toll Gates or Toll Bars to be erected under the Powers of this Act.

One full Toll for Horses, &c. passing through all the Toll Gates.

XVII. Provided also, and be it further enacted, That for and in respect of all Horses or other Beasts of Draught drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage, conveying Passengers or Goods for Pay or Reward, the Tolls hereby made payable shall be paid for every Time of passing or repassing along the said Road.

Stage Coaches to pay every Time of passing.

XVIII. Provided also, and be it further enacted, That the Tolls hereby made payable shall be paid for and in respect of all Horses or Beasts of Draught let out to Hire, and drawing any Post Chaise or other Carriage, every Time of passing along the said Road, whenever any new Hiring thereof shall take place.

Post Chaises, &c. to pay Toll on every new Hiring.

XIX. And for better securing the Payment of the Tolls by Foot Passengers at the Gate or Gates, Turnpike or Turnpikes erected upon the said Bridge, be it further enacted, That if any Person or Persons on Foot, subject to the Payment of the Tolls by this Act granted,

Manner of recovering Tolls from Foot Passengers.

granted, shall, after Demand thereof made, neglect or refuse to pay the same or any Part thereof, it shall be lawful for the Person or Persons appointed to collect such Tolls, by himself, herself, or themselves, or taking such Assistance as he, she, or they shall think necessary, to stop and prevent the Passage of the Person or Persons so neglecting or refusing to pay such Toll, and to take him, her, or them before any of His Majesty's Justices of the Peace for the said Borough, who is hereby empowered and required immediately to inquire into the said Offence; and on the Offence being proved to the Satisfaction of such Justice, to impose on the Party offending a Fine not exceeding Five Pounds over and above the Toll for passing over the said Bridge, to be paid (in the Presence of the said Justice) to the Person or Persons collecting the said Tolls; and on Nonpayment thereof to commit such Person or Persons to the Common Gaol or House of Correction of the said Riding, there to remain for any Time not exceeding One Month, unless the said Penalty and Toll shall be sooner paid and satisfied.

To prevent
Evasion of
Tolls at
Bridge.

XX. And be it further enacted, That if any Person or Persons shall ford over the said River *Aire*, between *Nether Mills* and *Hunslet Mills*, either with or without any Horse or other Beast or Carriage, or shall use any Boat to convey himself or herself, or any other Person or Persons, over the said River, within that Distance, for Hire or Reward, or with Intent to evade the Payment of the said Tolls, except for the Purposes of the Navigation of the said River, or shall get up or down the Side or Sides of any Part of the said Bridge, or over any Gate erected or to be erected at, near, or upon the same, or do any other Act in order or with Intent to evade the Payment of the said Tolls or any of them, such Person or Persons, and every of them, and also every Person who shall permit and suffer himself or herself so to be conveyed or ferried over the said River as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

When Bridge
impassable, a
Ferry to be
provided.

XXI. And be it further enacted, That in case the said Bridge shall at any Time become impassable or unsafe for Travellers or Carriages, the said Trustees shall and they are hereby required to cause the same to be forthwith rebuilt or repaired, and made safe and commodious for the Passage of Travellers and Carriages; and it shall be lawful for the said Trustees, and they are hereby required, during the Time that the said Bridge shall be impassable or unsafe as aforesaid, to provide a proper and convenient Ferry for the Passage of Travellers, Cattle, and Carriages over the said River, as near to the said Bridge as conveniently may be, and to make and maintain convenient temporary Roads leading to and from such Ferry, over the Lands and Grounds contiguous thereto, making such Satisfaction to the Owners or Occupiers of such Lands and Grounds for the Damage done thereto, as the said Trustees shall judge reasonable; and in case of any Difference between such Owners or Occupiers and Trustees touching such Damage, the same shall be finally settled by any Two or more Justices of the Peace for the said Borough of *Leeds*; and it shall be lawful for such Person or Persons as the said Trustees

Trustees shall appoint for that Purpose to demand, collect, and receive, for the Passage of such Travellers, Cattle, and Carriages in and over such Ferry, either before or after they shall respectively be permitted to pass, the like Tolls as are hereby authorized to be taken for passing over the said Bridge; any thing in this Act contained to the contrary thereof notwithstanding.

XXII. And be it further enacted, That out of the Tolls and other Monies which shall be raised by virtue of this Act, the said Trustees shall in the first place, and in preference to all other Disbursements whatsoever, pay and discharge all Costs and Expences relative to the procuring and passing of this Act, and of all Surveys, Plans, and Estimates, and all other Expences preparatory or in any way incident thereto; and the Remainder of all such Monies shall from Time to Time be applied in repaying any Money which may be borrowed on the Credit of this Act, and the Interest to grow due thereon, and in making and maintaining in repair the said Roads and Bridge respectively, and in otherwise carrying this Act into Execution.

Application
of the Tolls
and Money
borrowed.

XXIII. And be it further enacted, That this Act shall commence upon the passing hereof, and shall, so far as the same relates to the making, maintaining, and repairing of the Turnpike Roads, continue and be in force for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament; but so far as the same relates to or regards the said Bridge shall be perpetual.

Commence-
ment and
Term of Act.

XXIV. 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.

Public Act.

The SCHEDULE referred to by the foregoing Act.

Description of Property.	Owners Names.	Occupiers Names.
	<i>In the Township of Leeds.</i>	
Garden	John Walker	Self.
Ditto	Committee of Pious Uses	James Dobson.
Ditto	{ John Evelyn Denison and Edward Wilkinson }	George Bramham.
Ditto	Henry Tate	William Tate.
	<i>In the Township of Hunslet.</i>	
Garden	Robert Brown's Executors	{ Charles Hewitt and others. }
Ditto	Pim Nevins	Pim Nevins.
Ditto	John Brooke	John Brooke.
Ditto	Pim Nevins	William Burnett.

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