ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxvii.

An Act to vary and alter the Lines of the *Kirkstall, Ilkley,* and *Shipley* District of Road, and for making a new Road from the *Otley* Branch Road in the said District to *Burley* in the Parish of *Otley*, all in the West Riding of the County of *York*. [4th *July* 1838.]

WHEREAS an Act was 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: And whereas it is expedient that the Term and Powers of the said recited Act, so far as relates to the *Kirkstall, Ilkley,* and *Shipley* District of Road, therein particularly described, should be altered, extended, and enlarged; And whereas it would be of public Advantage if Powers were granted for making the new Line of Road herein-after described: And whereas it would facilitate the Execution of the several Purposes aforesaid if the said recited Act were repealed, so far as relates to the said *Kirkstall, Ilkley,* and *Shipley* District of Road, and if other Powers and Provisions were granted

6 G. 4. c. 149.

granted and made in lieu thereof: And whereas the beneficial Objects herein-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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That from and after the Second *Wednesday* next after the passing of this Act the said recited Act shall be and the same is hereby declared to be repealed, so far as relates to the *Kirkstall*, *Ilkley*, and *Shipley* District of Roads therein mentioned.

Recited Act in part repealed.

Description of present Roads to be continued and of new Road to be made.

II. 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 making, maintaining, repairing, and improving the several Roads herein-after mentioned; (that is to say,) the present Road from and out of the *Leeds* and *Halifax* Turnpike Road at a Place in the Township of *Headingley-cum-Burley* called *Kirkstall*, to or near to a Place called *Hell Hole Gill* in the Township of *Menston*; the present Road from such last-named Road, commencing at a certain Place between *Kirkstall Abbey* and the *Kirkstall Forge* Road in the said Township of *Headingley-cum-Burley*, and terminating at or near a certain Place where a Turnpike formerly stood upon a certain Highway leading between *Kirkstall* and *Headingley-cum-Burley* aforesaid; the present Road from and out of the first-mentioned Road at or near *Hell Hole Gill* aforesaid in the said Township of *Menston* to the West End of the Town of *Otley*; the present Road from and out of the said Road from *Kirkstall* to near *Hell Hole Gill* aforesaid at or near to the Division or Boundary Line between the Township of *Guiseley* and *Menston* communicating with a certain Highway or Turnpike Road leading from *Bradford* to *Keighley* in the Township of *Shipley* in the Parish of *Bradford*; and also for the Purpose of making and maintaining a new Road, to commence from and out of the said Road to the West End of the Town of *Otley*, being the Road thirdly above mentioned, at or near to a certain Close of Land called *New Close*, the Property of the Reverend *Lamplugh Hird*, and in the Occupation of *William Metcalf*, near *Hell Hole Gill* aforesaid, thence to pass from, in, through, or into the several Parishes, Townships, Hamlets, or Places of *Otley*, *Menston*, and *Burley*, and to terminate by a Junction or Communication with the present *Otley* and *Skipton* Turnpike Road at the North End of a Lane called *Menston Lane*, both situate at the East End of the Village of *Burley* in the Parish of *Otley* aforesaid, all in the West Riding of the County of *York*; and the several Roads herein-before mentioned, and by this Act placed under the Control of the Trustees for carrying this Act into execution, shall hereafter be called "The *Kirkstall*, *Otley*, and *Shipley* Turnpike Road."

Trustees appointed.

III. And be it further enacted, That all Her Majesty's Justices of the Peace for the Time being acting for the West Riding of the County of *York*, together with *William Aldam*, *William Ackroyd*, *Jeremiah Ambler*, *John Bastow*, *Richard Barwick*, *John Marshall Barwick*, *John Brooke*, *James Brook*, *Thomas Benyon*, *William Bolling*, *Greenwood Bentley* the elder, *William Busfield* the elder, *Thomas Butler*, *George Beecroft* senior, *Thomas Lister*, *Thompson Cunliffe*, *Thomas*

Thomas Charlesworth, John Peel Clapham, Thomas Greenwood Clayton, Joshua Samuel Crompton, Robert Edward Crompton, John Cockshott, Robert Cockshott, William Carr Clerk, *Robinson Chippendale, Nicholas Cunliffe, Hugh Dalrymple, Christopher Holdsworth Dawson, James Dickinson, William Ellis, Ephraim Elsworth, Isaac Elsworth, Francis Hawkesworth Fawkes, Ayscough Hammersley Fawkes* Clerk, *Joshua Fawcett* Clerk, *William Fairbank* of *Otley, Peter Garnett* of *Otley, Thomas Gill* senior, *Thomas Gill* junior, *William Gill, Joseph Gill, Robert Fletcher Green, Charles Greenwood, George Greenwood, Frederick Greenwood, Edwin Greenwood, James Greenwood* of *Yeadon, John Goodman, George Goodman, Benjamin Gott, John Gott, John Hartley* of *Otley, Samuel Hailstone, John Hailstone* the younger, Clerk, *Samuel Hailstone* junior, *Edward Hailstone, Lamplugh Wickham Hird* Clerk, *Henry Wickham Hird, Lamplugh Wickham Hird* junior, *John Hustler, John Hustler* junior, *John Mildred Hustler, Henry Heap* Clerk, *Charles Harris, Henry Harris, Alfred Harris, James Holdforth, Timothy Horsfall, Anthony Ibbotson* Clerk, the Honourable *Arthur Lascelles, George Leather, Ellis Cunliffe Lister, William Cunliffe Lister, John Cunliffe Lister, Samuel Cunliffe Lister, Thomas Cunliffe Lister, Henry Leah, William Middleton, Peter Middleton, John Marshall (Headingley), John Marshall (Horsforth), Robert Menzies, Henry Cowper Marshall, John Micklethwaite, George William Maude, William Jemmett Maude, Robert Milligan, Michael Nicholson, John Outhwaite* Doctor of Medicine, *Thomas Benson Pease, Samuel Priestman, Benjamin Rawson, Stansfield Rawson, Thomas Rawson, Jeremiah Rawson, John Rawson, William Henry Rawson, John Rawson* of *Otley, John Rogerson, James Armitage Rhodes* Clerk, *John Rhodes, John Rand, William Rand, John Spencer Stanhope, William Rookes, Crompton Stansfield, Christopher Saltmarsh, Francis Shires, Edward John Teale, Henry Stead, Richard Hartley Sagar, Benjamin Thompson, Matthew Thompson, Matthew William Thompson Thomas William Tottie, William Turlye, Jonas Whitaker, John Whitaker* junior, *John Womersley, William Womersley, John White, William White, William Waite, William Wilkes, Griffith Wright, William Tottie Watson, Michael Walker*, and their Successors, being duly qualified according to the Provisions and Directions of the several Acts for regulating Turnpike Roads in *England*, shall be and they are hereby declared to be Trustees for carrying this Act into execution.

Power to appoint additional Trustees.

IV. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Three in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Persons so elected, and being duly qualified, shall have the same Powers and Authorities for executing this Act as if they had been herein expressly named.

First Meeting of Trustees.

V. And be it further enacted, That the said Trustees shall hold their First Meeting at the Inn known by the Name of the *Wool Pack*, at *Yeadon*, or at such other convenient House or Place near to the Roads comprised in this Act as the said Trustees shall think proper, on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten in the Forenoon

Forenoon and Two in the Afternoon, and shall and may then and from Time to Time afterwards adjourn to and meet at such Times and such Places as the said Trustees, or the Majority of them present at such respective Meetings, shall think proper and appoint.

Treasurer and Collector to give Security.

VI. And be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer, and from every Person who shall be appointed to collect or receive or who shall have the Custody or Control of any Money belonging to the said Trustees, for the due Execution of his Office, before he shall enter thereupon.

New Road may be made.

VII. And be it further enacted, That it shall be lawful for the said Trustees to make and maintain the new Road herein-before described of such Width as they shall think proper, not exceeding Fifty Feet, together with such Footpaths, Causeways, Bridges, Arches, Culverts, Embankments, Ditches, Drains, Fences, and other Works on the Line of the said Road as they shall think necessary; and for the Purposes aforesaid (subject nevertheless to the several Provisions and Restrictions in this Act and in the various Acts for regulating Turnpike Roads in *England* contained) to take and use any Lands, making or tendering Satisfaction to the Owners thereof, and other Persons interested therein, for the same, or for the Damage which they may sustain by the Execution of the Powers of this Act; and it shall also be lawful for the said Trustees, and for their Surveyors and Workmen, from Time to Time to enter upon any Lands upon, in, over, or through which such Road and the several Works connected therewith, herein-before mentioned, or any of them, are intended to be made or to pass, and also upon, in, over, or through any adjoining Lands, and to stake out the same in such Manner as the said Trustees shall think expedient, without being deemed Trespassers, and without being subject to any Penalty or Punishment for entering or continuing upon such Lands for any of the Purposes of this Act.

Map or Plan deposited with the Clerk of the Peace to remain there, and be open to Inspection.

Copy thereof may be made Evidence.

VIII. And whereas a Map or Plan describing the Line of the said intended new Road, and the Lands upon, in, through, or over which such new Road is intended to be made or carried, together with a Book of Reference thereto, containing the Names of the Owners and Occupiers of such Lands, has been deposited in the Office of the Clerk of the Peace for the said West Riding of the City of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for said Riding, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take or have Copies thereof or Extracts therefrom, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Map or Plan and Book of Reference, or any Copy thereof respectively, or of any Part thereof respectively, certified by the said Clerk of the Peace for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law and elsewhere.

IX. And

Trustees empowered to deviate from Plan to an Extent not exceeding One hundred Yards.

IX. And be it further enacted, That the said Trustees in making the said new Road shall have full Power and Authority to deviate from the Line delineated upon the Map or Plan so deposited with the said Clerk of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Map or Plan without the Consent in Writing of the Party or Parties upon, in, over, or through whose Lands any such Deviation beyond the said Distance of One hundred Yards shall be proposed to be made.

Trustees restrained from pulling down Dwelling Houses, &c. not mentioned in the Schedule without Consent.

X. Provided always, and be it further enacted, That the Powers and Authorities given by this Act for making the said new Road shall not authorize the said Trustees to pull down, or to take, use, or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, 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 (except such as are mentioned 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.

Lands marked in the Plan may be used notwithstanding Errors in the Book of Reference or Schedule.

XI. Provided also, and be it further enacted, That it shall be lawful for the said Trustees to make the said new Road and other Works in the Line or Course, and upon, in, through or over the Lands, delineated upon such Map or Plan, although such Line or Course, or such Lands or any of them, or the Situation thereof, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the Schedule thereto, or in the said Map or Plan, or in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said West Riding, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the said Clerk of the Peace for the Time being.

Limiting the Time for purchasing the Property.

XII. And be it further enacted, That in case the said Trustees shall not, within the Space of Three Years from the Commencement of this Act, agree for and cause to be valued and paid for the Lands which they are by this Act authorized to take, then and from thenceforth all the Powers by this Act or by any other Act granted in relation to the taking of Lands for the Purposes of the Roads mentioned in this Act shall, so far as relates to the Lands herein-before authorized to be taken for the Purposes of this Act, cease and be utterly void, unless with the Consent of the Owners and Occupiers of such Lands respectively, any thing in this Act or in any such Act as aforesaid contained to the contrary thereof notwithstanding: Provided always, that the said Trustees shall and they are hereby required within Three Years after the passing of this Act, to make and complete the said new Line of Road herein-before mentioned; and if the said Trustees shall neglect for the said Space of Three Years to make and complete the said new Line of Road as herein-before

mentioned, all the Powers and Authorities vested in them by virtue of this Act shall become and be utterly null and void.

Entrance to Fields,&c. to be made with hard Materials.

XIII. And be it further enacted, That in all Cases in which any Entrance shall be made from any of the said Roads to any Land such Entrance shall be properly covered with Stone, Gravel, or other hard Materials, and a proper Culvert or Drain made, by or at the Expence of the Owner or Occupier of such Land, so that such Roads may not be injured by Carriages or Horses passing to or from the same by such Entrance; and in case such Owner or Occupier shall neglect to cover with proper Materials such Entrance, or to make such Culvert or Drain, or to keep the same respectively in proper Order, for the Space of Ten Days, after Notice in Writing (setting forth this Provision) given to such Owner or Occupier, or left at his usual or last known Place of Abode, by the Surveyor to the said Trustees, requiring such Owner or Occupier to make or repair the same, then it shall be lawful for the said Trustees, or for their Surveyor or any other Person acting by or under their Authority, to cover such Entrance with Stone, Gravel, or other hard Materials, and to make such Culvert or Drain, or to repair the same respectively (as the Case may be); and the Expences thereof shall be paid to the said Trustees by such Owner or Occupier (as the Case may be); and in Cases of Nonpayment of such Expences within Seven Days after the same shall have been demanded by or on behalf of the said Trustees, then such Expences shall and may be recovered, together with the Costs and Charges attending the same, by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of some Justice of the Peace for the West Riding of the County of *York*, and which Warrant of Distress such Justice is hereby empowered and required to grant on Proof made before him on Oath of such Expences having been incurred, and of such Notice having been given as aforesaid; and the Overplus (if any) shall be returned, on Demand, to the Persons whose Goods and Chattels shall have b en so distrained and sold.

Power to continue and erect Toll Gates, &c.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to continue all or any of the Toll Gates, Toll Bars, Toll Houses and Weighing Machines now erected upon the said Roads or any of them, or upon the Sides thereof, and also to erect and build others in lieu thereof or in addition thereto upon the said Roads, or upon the new Road, or upon any Part or Parts thereof respectively, or upon the Sides thereof respectively, when and where and as they shall judge necessary; and also from Time to Time to alter, or to take down and re-erect or re-construct, or to discontinue and remove, the same or any of them, as they the said Trustees shall from Time to Time think proper.

Trustees to erect Toll Gates on each Road.

XV. And be it further enacted, That the said Trustees shall and they are hereby required to continue or to erect upon each and every Road comprised in this Act One or more Toll Gate or Toll Gates, or Toll Bar or Toll Bars, and to demand and take thereat the Tolls by this Act granted, subject to the Provisions and Directions of this Act and of the various Acts for regulating Turnpike Roads in *England*; and

and no Money arising from any of the Tolls by this Act authorized to be taken shall be applied in or towards the Repairs of any Road upon which there shall not be some Toll Gate or Toll Bar at the Time standing; and no more of the Money arising by virtue of this Act shall be laid out or expended on any of the said Roads than shall be actually raised or received upon or in respect of such Road, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

No Money to be laid out in repairing Streets.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to apply, expend, or appropriate any of the Tolls hereby granted, or any of the Monies raised by virtue of the said recited Act hereby repealed, or to be raised by virtue of this Act, in repairing or amending any Part of the said Turnpike Roads in any Town or Place which is or shall be paved or repaired by any Commissioners or Trustees for executing any other Local Act of Parliament, nor to collect any Toll thereon.

As to Tolls on existing Lines of Road.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, from and immediately after the Commencement of this Act and before as well as after the Completion of the new Line of Road herein-before described, to demand, collect, levy, recover, and receive the Tolls herein-after mentioned upon the existing Lines of Road.

No Tolls to be taken to the new Line of Road till it is completed.

XVIII. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the levying, taking, or demanding any Toll at or upon the new Line of Road hereby authorized to be made, or any Part thereof, until the whole of such new Line of Road shall have been completed and opened to the Public.

Tolls.

XIX. And be it further enacted, That the Tolls to be taken by virtue of this Act upon the said Roads shall not exceed the following Sums; (that is to say,)

For every Horse or other Beast drawing any Coach, Stage Coach, Diligence, Sociable, Berlin, Landau, Chariot, Vis-à-vis, Barouche, Phaeton, Chaise Marine, Calash, Curricle, Chair, Gig, Whiskey, Hearse, Litter, Chaise, or other such like Carriage, the Sum of Nine-pence:

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

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

For every Horse or other Beast drawing any Caravan, Van, Waggon, Wain, 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 Sixpence:

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

For

For every Score of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence, and so in proportion for any less Number:
For every Score of Calves, Swine, Sheep, or Lambs, the Sum of Five-pence, and so in proportion for any less Number.

Half the Tolls to be paid in respect of Horses drawing Waggons, &c. laden with Coal.

XX. And whereas by the said recited Act, which will expire at the End of the Session of Parliament next after the First Day of *August* One thousand eight hundred and forty-six, no more than One Half of the Tolls by the same Act granted is authorized to be demanded or taken in respect of Coal; be it therefore further enacted, That until the End of the Session of Parliament next after the First Day of *August* One thousand eight hundred and forty-six no more than Half of the Tolls by this Act granted shall be demanded or taken for or in respect of any Horses or other Beasts drawing any Waggon, Wain, Cart, or other Carriage used or employed only in carrying or conveying Coal, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying, any Coal on the same Day, or for and in respect of any Horses, Mules, or Asses (not drawing) going for or returning laden with Coal, or returning unladen from carrying Coal on the same Day.

Fractional Part of a Halfpenny in Tolls.

XXI. And be it further enacted, That in all Cases in which there shall be a fractional Part of a Halfpenny in the Amount of the Tolls by this Act authorized to be taken the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part.

Limiting the Number of Tolls to be taken.

XXII. Provided always, and be it further enacted, That not more than Four full Tolls shall be taken, for or in respect of the same Horse, Beast, Cattle, or Carriage, for passing and repassing any Number of Times in the course of the same Day through all or any of the Toll Gates or Toll Bars upon the said Roads between *Kirkstall* and *Burley*, nor more than Two full Tolls between *Otley* and *Shipley*, except as herein-after mentioned.

Tolls to be paid but once a Day.

XXIII. Provided always, and be it further enacted, That upon Payment of the Toll hereby authorized to be taken for the passing of any Horse, Beast, or Cattle through any Toll Gate or Turnpike or Side Gate on any of the said Roads, 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, as the Ticket for such Payment shall free, at any Time and Times during the same Day, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Stage Caches &c. to pay every Time of passing.

XXIV. Provided also, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of Horses or Beasts drawing Stage Carriages, of whatever Description, conveying Passengers for Hire or Reward, for each Time of the passing and for each Time of the repassing of such Carriage along the said Roads, or either of them: Provided nevertheless, that no further or additional Tolls shall be payable in respect of such Carriages by reason only of the Horses or Beasts drawing the same having been changed.

Horses let out to hire to be subject again to Toll on every new Hiring.

XXV. Provided also, and be it further enacted, That the Tolls hereby granted shall be paid for and in respect of Horses or Beasts let out to hire, whether for riding or for drawing Post Chaises or other Carriages, and passing along the said Roads, or any or either of them, upon every Occasion of a distinct or new Hiring of such Horses or Beasts.

Horses, &c passing between Leeds and Otley not to be liable to Tolls both on the Road from Kirkstall to Otley and the Leeds and Halifax Turnpike Road.

XXVI. Provided always, and be it further enacted, That if any Person shall, during the Continuance of the Term of the said recited Act of the Sixth Year of the Reign of King *George* the Fourth, have paid Toll for or in respect of the passing of any Horse, Beast, Cattle, or Carriage at any Gate or Turnpike situate between *Leeds* and the Junction of the *Leeds* and *Halifax* Turnpike Road comprised in the said recited Act, with the said Road from *Kirkstall* to *Otley* and *Shipley* aforesaid, such Horse, Beast, Cattle, and Carriage shall be allowed to pass Toll-free on the same Day through the Toll Gates or Toll Bars upon the last-mentioned Road now situate at or which may at any Time hereafter be erected or placed nearest to *Kirkstall Bridge* and *Moorhouse Lane* respectively, upon a Note or Ticket being produced denoting such Payment; and if any Person shall have paid Toll for or in respect of the passing of any Horse, Beast, Cattle, or Carriage at the Toll Gates or Toll Bars on the last-mentioned Road situate at or nearest to *Kirkstall Bridge* and *Moorhouse Lane* respectively, or either of them, such Horse, Beast, Cattle, and Carriage shall be allowed to pass Toll-free on the same Day through any Toll Gates or Toll Bars which shall be situate between such last-mentioned Gates and *Leeds* aforesaid on the said *Leeds* and *Halifax* Turnpike Road, upon a Note or Ticket being produced denoting such Payment.

Weight of One-horse Carts limited.

XXVII. And be it further enacted, That the Weight to be allowed to Carts or other such like Carriages drawn by only One Horse or other Beast upon the said Roads shall not exceed the following; (that is to say,) from the First Day of *May* to the Thirty-first Day of *October* (both Days inclusive) One Ton and Fifteen Hundred Weight for each such Carriage and the Lading thereof, and from the First Day of *November* to the Thirtieth Day of *April* (both Days inclusive) One Ton and Ten Hundred Weight for each such Carriage and the Lading thereof.

One-horse Carts may be weighed.

XXVIII. And be it further enacted, That all Carts and other such like Carriages drawn by only One Horse or other Beast upon the said Roads shall and may be weighed at any Weighing Machine upon the said Roads, and the like additional Tolls may be demanded and recovered for the Overweight thereof as are by Law payable in respect of the Overweight of Carts or other Carriages drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Carts and other Carriages drawn by Two or more Horses shall be applicable to Carts or other such like Carriages passing on the said Roads drawn by only One Horse or other Beast, and to the Drivers and Owners thereof respectively.

Penalty on Lessees compounding for Overweight.

XXIX. And whereas great Injury may be done to the said Roads by the Lessees or Renters of the Tolls accepting an inadequate Composition for the Tolls of Carriages liable to be charged in respect of Overweight; be it therefore enacted, That if any Lessee or Renter of the Tolls by this Act granted, or any Deputy or Agent of such Lessee or Renter, shall make Composition by the Year or otherwise with any Person whomsoever for or in lieu of the Tolls of any Carriage, of whatever Description, liable to be weighed and charged for, or in respect of the Overweight thereof, every such Lessee or Renter, Deputy or Agent, shall, on Conviction thereof by Confession or upon the Oath of any Witness before any of Her Majesty's Justices of the Peace, forfeit and pay, in addition to the Costs and Charges attending the Conviction, a Sum not exceeding Five Pounds, and shall also forfeit his Contract, Lease, or Agreement for renting the Tolls, if the said Trustees shall think proper to order that the same shall be made void; and every such Composition shall be null and void; and one Moiety of every such Penalty shall be paid to the Informer, and the Remainder thereof to the said Trustees, to be applied to the Purposes of this Act.

Power to Trustees to vacate existing Leases of Tolls.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, at any of their Meetings to be held within Three Calendar Months next after the Commencement of this Act, or at any Adjournment thereof, to declare and order that all Demises, Leases, and Agreements for Leases of the Tolls granted by the said former Act hereby repealed, and of the several Toll Houses, Buildings, and Appurtenances thereto belonging, shall cease and be void from and after the Twenty-first Day next after the Day on which such Meeting shall be held; and from and after the Time mentioned in the said Declaration and Order all such Demises, Leases, and Agreements shall cease and be void to all Intents and Purposes, except as to the Right of the said Trustees (which in all Cases is hereby reserved) to receive and recover Payment of all Rent and Arrears of Rent, and of all other Sums due and to become due thereon; and the said Trustees shall and they are hereby required to make a fair and just Compensation and Satisfaction to the respective Lessees of the said Tolls for any Loss or Damage which they shall sustain by the Determination of such Demises, Leases, and Agreements before the Expiration of the Time for which they were originally granted or made, such Compensation and Satisfaction to be paid at such Times and in such Proportions as shall be agreed upon between the said Trustees and such Lessees respectively: Provided always, that in case such Compensation or Satisfaction shall not be paid within Six Calendar Months next after the same shall have become due to any such Lessee, and have been demanded of the Clerk or Treasurer to such Trustees, or in case the said Trustees and any such Lessee shall not agree upon the Amount of such Compensation or Satisfaction, the same may be recovered by such Lessee in a summary Way by the Order and Adjudication of some Two Justices of the Peace for the said West Riding, on Application to them for that Purpose made, or by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*: Provided also, that the said Trustees shall be at liberty

to

to enter into any new or other Agreement with all or any of the present Lessees of the Tolls, for such additional Rent in respect of the Tolls by this Act granted as they shall think reasonable and proper, for the unexpired Term of the existing Demises, Leases, or Agreements.

Trustees &c. declared competent Witnesses in Actions.

XXXI. And whereas by an Act passed in the Third Year of the Reign of His late 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, it is enacted, that Trustees and Commissioners of Turnpike Roads may sue or be sued in the Name or Names of any of such Trustees or Commissioners, or of their Clerk or Clerks for the Time being: And whereas Doubts have arisen whether such Trustees, Commissioners, or Clerks are competent to give Evidence in Actions or Suits in which they may be Plaintiffs or Defendants; be it therefore enacted, That no Trustee or Clerk acting under the Authority of this Act shall be deemed incompetent to give Evidence, or shall be disqualified from giving Evidence, in any Action or Suit, by reason of his being Plaintiff or Defendant in such Action or Suit.

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

XXXII. 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, Carriage, or Person 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 as now is or are or as shall from Time to Time be at any Time hereafter made and opened for the Use of 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; 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.

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

XXXIII. And be it further enacted, That in case any Lands shall hereafter be purchased by the said Trustees for the Purposes of this Act, the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case the same shall be of any other Tenure the Estate and Interest, shall not (notwithstanding any Provisions in any of the Acts in force for regulating Turnpike Roads in *England*) by means of any such Purchase, or any Conveyance or Assurance made in pursuance thereof, be vested in the said Trustees, but the Freehold and Inheritance of and in the Lands so purchased, in case the same shall be of Freehold Tenure, and in case such Land shall be of any other Tenure, the Estate and Interest in such Land, shall, notwithstanding such Purchase and Conveyance or Assurance, remain and be vested in the Person or Persons in whom the

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 Assurance, or any of them, be entitled to a perpetual Right of Way in, over, or upon the Lands so purchased by them.

The Right of Way to cease when Lands are not wanted.

XXXIV. Provided always, and be it further enacted, That if at any Time any Land purchased by the said Trustees under the Authority of this Act for the Purposes of the Roads comprised herein, 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 Lands, in case the same shall be of Freehold Tenure, and the Estate and Interest in such Lands, in case the same shall be of any other Tenure, shall be and remain in the Person or Persons then entitled to the same, freed and discharged of and from such Right of Way.

Trustees to have the same Power of cutting and digging as if they had purchased the Fee Simple.

XXXV. Provided also, and be it further enacted, That the said Trustees shall have such and the same Power and Authority of cutting and digging the Lands taken by them for the Purposes of this Act, and also of erecting any Toll House or other Building 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 or the whole Estate and Interest of the said Lands.

Watering Troughs to be continued and provided.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees to continue, provide, and keep on the Sides of the said Roads such Numbers of Stone or other Troughs as they shall think proper for watering Horses or Cattle using the said Roads; and if any Person shall wilfully damage or injure the same Troughs or any of them, or cast any Filth therein, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, and also the Amount of the Damage done to any such Trough, to be recovered in the Manner provided by the said Acts for regulating Turnpike Roads in *England* for the Recovery of Penalties and Damages.

Advance made by Exchequer Loan Commissioners to remain and have the same Preference as was granted.

XXXVII. And whereas the Commissioners acting in execution of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, did advance to the Trustees acting under the said recited Act for the said District of Road called the *Kirkstall, Ilkley*, and *Shipley* District of Road, the Sum of Nine thousand Pounds, upon the Security of a certain Indenture of Mortgage bearing Date the Fourteenth Day of *May* One thousand eight hundred and twenty-seven, and the said Trustees did assign the Tolls as therein mentioned, to hold the same, subject to the Repayment of the Sum of Four hundred and fifty Pounds *per Annum*, as Part of the Principal so advanced, and the Interest on such Part of the said Principal Money

as shall from Time to Time remain unpaid, at the Rate of Five Pounds *per Centum per Annum*; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate or in any Manner prejudice or affect the said Indenture of Mortgage, or any of the Powers, Remedies, and Privileges now vested in the said Commissioners in respect thereof, and that the said Mortgage shall be entitled to the same Priority of Security which the same may now possess to all Intents and Purposes and in such and the like Manner as if this Act had not been passed.

Power to the Trustees to make Agreements with adjoining Trusts.

XXXVIII. Provided always, and be it further enacted, That it shall be lawful for the Trustees for the Time being for carrying this Act into execution to make any Agreements or Arrangements with the Trustees appointed under or by virtue of an Act passed in the Fourth Year of the Reign of King *George* the Fourth, for repairing and improving the Road from *Otley* to *Skipton* in the County of *York*, for the Purpose of exempting from or reducing or fixing the Tolls taken or to be taken by virtue of such last-mentioned Act or of this Act at any Toll Bar or Toll Bars now erected or to be erected upon the said Road or Roads included in such Act of the Fourth Year of the Reign of King *George* the Fourth, and adjoining the Roads hereby authorized to be continued or made, or upon the Roads hereby authorized to be continued or made, upon such Terms and Conditions as the said respective Trustees shall think just and right.

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

XXXIX. Provided always, and be it further enacted, That no such Agreement or Arrangement shall be made and entered into but at a public Meeting of the said Trustees appointed by and under this Act, of which One Month's Notice shall be given in the public Newspapers, and also affixed upon all the Toll Bars erected or to be erected upon the Roads by this Act made or authorized to be maintained, of the Time and Place of holding such Meeting, and that it is intended that such Arrangement and Agreement is to be proposed to be entered into at such Meeting.

To compel Payment of Subscriptions.

XL. And be it further enacted, That the several and respective Persons who have subscribed or who shall hereafter subscribe for or agree to advance any Money for or towards the making or maintaining the said intended new Road shall and they are hereby required to pay the Sum or Sums of Money so subscribed within such Time or Times and in such Parts and Proportions and to such Person or Persons as shall be expressed in the Writing which has been or shall be subscribed by them, or on their Behalf, or as the said Trustees shall, by any Writing under their Hands, order and direct; and in case any Person or Persons shall neglect or refuse to pay the same, or any Part thereof as aforesaid, it shall be lawful for the said Trustees to sue for and recover the same together with full Costs of Suit, in any of Her Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information; and the Money so subscribed shall be applied by the said Trustees in and towards making the said new Road herein-before mentioned.

Application of Tolls and other Monies.

XLI. And be it further enacted, That out of the Monies already received and now in the Hands of the Treasurer, or out of the first Monies

Monies which shall arise or be received from the Tolls by this Act granted, or otherwise, the said Trustees shall, in the first place, pay and discharge all the Costs, Charges, and Expences relative to the obtaining and passing of this Act; and the Remainder of such Monies shall be applied, in the first place, subject nevertheless to the Rights of the said Commissioners for the Issue of Exchequer Bills, in paying and keeping down the Interest of the Principal Monies advanced or borrowed on the Credit of the Tolls arising on the said *Kirkstall*, *Ilkley*, and *Shipley* District of Road by virtue of the said recited Act, and the Interest of the Principal Monies to be borrowed on the Credit of the Tolls hereby granted; and, in the next place, in paying the Officers Salaries and Expences, and in defraying the Expences of providing, erecting, and keeping in repair the Toll Gates, Toll Bars, Toll Houses, and other Erections and Buildings upon the Roads hereby authorized to be continued or made, and in making, repairing, widening, and altering the said Roads; and the Residue of such Monies shall be applied in repaying the Principal Monies already borrowed on the Credit of the Tolls arising on the said *Kirkley*, *Ilkley*, and *Shipley* District of Road by virtue of the said recited Act, and the Principal Monies to be borrowed on the Credit of the Tolls hereby granted; and the Creditors under the said recited Act shall not have or claim any Preference or Priority, but the Principal Monies due and owing to them, and the Interest thereof, shall be paid *pari passu* with the Principal Monies to be borrowed on the Credit of this Act or the Tolls hereby granted, and the Interest thereof, and not otherwise; saving and always reserving the Rights which any Creditors under the said recited Act may have to a Preference or Priority as between themselves and the other Creditors under the said recited Act.

Directing Application of surplus Tolls to Repair of Road.

XLII. And whereas a considerable Part of the said Road passes through the Hamlet of *Kirkstall* aforesaid, and by reason of the same being the Eastern Terminus thereof, and situate nearest the Market Town of *Leeds*, is uniformly travelled upon and used by the Inhabitants of the several other Townships on the Line of the said Road, with their Carts, Carriages, and Horses, in going to and from the said Town of *Leeds*, and the same is of great Benefit and Advantage, especially to the Inhabitants of the said several Townships, by affording to them a better and more commodious Line of Communication with the said Town of *Leeds*, whilst the Inhabitants of the said Hamlet of *Kirkstall*, not residing on the Line of the said Road, nor generally using the same, are subject to great Charges and Expences in maintaining the same, although they derive little or no Advantage therefrom, and it is therefore reasonable and expedient that the Inhabitants of the said Hamlet of *Kirkstall* should be relieved in manner herein-after mentioned; be it therefore enacted, That when any surplus Monies shall arise from the said Tolls and Monies applicable to the repairing, widening, and altering the said Road as aforesaid not less than One Fifth Part of such Surplus shall be expended in keeping and maintaining in repair that Part of the said Road which is in the said Hamlet of *Kirkstall*, when the State and Condition thereof shall require the same; provided that if either the said Trustees, or the Surveyors of the Highways of the Hamlet of *Kirkstall* aforesaid for the Time being, shall at any Time be dissatisfied with the Amount of the

the said proportionate Part of the said surplus Monies to be so applied as aforesaid, it shall be lawful for either of the said Parties from Time to Time, on giving Twenty-one Days Notice thereof in Writing to the other of the said Parties, setting forth this Clause, to apply to any Special Sessions for the Highways to be held in and for the said West Riding for an Order of the said Sessions to reduce or increase the said proportionate Part of the said surplus Monies to be applied as aforesaid, and for the said Sessions from Time to Time, in a summary Manner, to hear and determine such Applications; and the Judgment and Order of the said Sessions shall thereupon be conclusive between the said Parties, until such Judgment or Order shall be reversed or altered at some subsequent Special Sessions for the Highways, upon the like Notice and Application to be made by either of the said Parties as and in manner aforesaid; and it shall be lawful for the said Sessions from Time to Time to adjourn the Hearing and Judgment in the Matters and Premises aforesaid, and to award Costs to either of the said Parties, in the Discretion of the Justices at such Sessions.

Construction of certain Terms employed in this Act.

XLIII. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and the Word "Corporation" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations, Civil or Ecclesiastical, Aggregate or Sole; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments, as well as Lands, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

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

Term of Act.

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

SCHE-

SCHEDULE referred to by the foregoing Act.

Description of Property.	Owners or reputed Owners.	Occupiers.
	Parish of Otley.	
	Township of Burley.	
Plantation - - -	William J. Maude, Esquire.	William Smithson.
Shed and Yard - -	William Fairbank, Esquire.	Mary Jennings.
Ornamental Ash Tree -	William J. Maude, Esquire.	William Smithson.
Pump and Watering Place	Stephen Fawcett and Jonathan Jackson, as Surveyors of Highways for the Township of Burley.	
Potato Garden - -	William J. Maude, Esquire.	John Atkinson.
Ornamental Ash Tree -	Same - - -	William Smithson.
Lawn, Shrubbery, and Garden	Same - - -	Mrs. Anderton.
Dwelling House, Yards, and Out-offices.	Same - - -	Same.
Plantation - - -	Same - - -	William Smithson.
Homestead, Gardens, Yards, Buildings, &c.	Same - - -	Same.
Dwelling House, Stables, Coach-house, and Out-offices.	Same - - -	Smithson Wilks.
Gardens, Shrubbery, &c. -	Same - - -	Same.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.